

DEPARTMENT OF HUMAN SERVICES
MAINE CHILD SUPPORT ENFORCEMENT MANUAL

State of Maine
Department of Human Services



MAINE
CHILD SUPPORT
ENFORCEMENT MANUAL

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CHAPTER 1 - PRELIMINARY STATEMENT

CHAPTER 1 - PRELIMINARY STATEMENT

1. AUTHORITY AND INTENTION TO ESTABLISH RULES

In accordance with and pursuant to the authority conferred by 22 MRSA § 42(1), the Maine Administrative Procedure Act and 19A MRSA § 2251 *et seq.*, the Maine Department of Human Services herewith establishes its rules with respect to the activities of the Division of Support Enforcement.

2. TITLE OF RULES

These rules may be referred to and cited as the "Maine Child Support Enforcement Manual", the "Support Enforcement Manual", or the "Manual".

3. PRELIMINARY STATEMENT AS INTEGRAL PART OF MANUAL

This chapter is an integral part of the Manual.

4. MANUAL BINDING ON DEPARTMENTAL EMPLOYEES

The Manual is binding on all employees of the Department.

5. PURPOSES OF ESTABLISHMENT OF RULES

These rules are promulgated for the following purposes:

- A. To implement Federal statutes, regulations and action transmittals of the Office of Child Support Enforcement (OCSE), U.S. Department of Health and Human Services, that are applicable to the activities of the Division of Support Enforcement.
- B. To implement the Statutes of the State of Maine, inclusive of the Maine Rules of Civil Procedure, and the Maine Administrative Procedure Act, to the extent they are applicable to the activities of the Division.
- C. To establish rules of practice governing the conduct of adjudicatory proceedings of the Division, in accordance with and as authorized by the Maine Administrative Procedure Act (5 MRSA § 8051).
- D. To establish the Department's rules for its employees who are engaged in any of the activities to which the Manual is applicable.

6. DISCLAIMER OF WAIVER

The absence of a reference herein to a power of or a remedy available to the Division by virtue of any federal or State statute, regulation or rule, or to a support-establishment/enforcement/collection procedure or mechanism permitted under federal or State law, regulation or rule, or under OCSE action transmittals, shall not operate as a waiver of any such power or of the use of any such remedy, procedure, or mechanism.

7. ORGANIZATION OF RULES

CHAPTER 1 - PRELIMINARY STATEMENT

The rules are organized by chapters, which are divided into sections. Sections are broken down into sub-sections; sub-sections, into paragraphs; and paragraphs, into sub-paragraphs. Chapters are numbered by Arabic numerals beginning with "1", as are sections. Sub-sections are lettered with capital letters, beginning with "A". Paragraphs are numbered with Arabic numbers beginning with "1". Sub-paragraphs are lettered with lower-case letters, beginning with "a". (See "Citation of Rules", below.)

8. CITATION OF RULES

In a full citation, the Arabic numeral designating a chapter precedes a decimal. The Arabic number following the decimal designates the section. Sub-section, paragraph and sub-paragraph indicators follow, each enclosed in parentheses or brackets, as appropriate. For example, the citation for "Chapter 7, Section 4, Sub-section G, Paragraph 2, Sub-paragraph d" would normally be "7.4(G)(2)(d)". If, however, the whole citation is enclosed by parentheses, the citation would be, e.g., as follows: "(But see 7.4[G][2][d])." A full citation to the Manual is always followed by the Manual page on which the cited material appears, e.g., "7.4(G)(2)(d), p.30". The page reference also confirms that what precedes it is a citation to the Manual and not to a federal/State statute, State Rule of Practice, or rule of another State agency. Whenever, because of the proximity of the material cited (or if on any other basis it has been concluded that a full citation is not necessary to achieve a clear reference), the component is cited by itself, e.g.: "Sub-§A, above" and "sub-¶e, p. 32". (See Chapter 2, p. 6, "Symbols"). A page reference in/following a citation is always a reference to a page in this Manual.

CHAPTER 2 - DEFINITIONS

CHAPTER 2 - DEFINITIONS

As used in this Manual, unless the context otherwise indicates, the following terms have the following meanings:

Administrative Decision: An administrative decision issued by the Department that establishes or modifies a responsible parent's child support obligation or which adjudicates an appeal of agency action.

AFDC: Aid for Families with Dependent Children

Alternative Method: Alternative Method of Support Enforcement.

Alternative Method of Support Enforcement: Title 19A, Article 3, of the Maine Revised Statutes Annotated (19A MRSA §§ 2251-2453)

Alternative Review Hearing: An administrative review of another state's submittal for federal income tax refund offset, which review has been referred by the submitting state to the State of Maine for conduct and decision, in accordance with 45 CFR § 303.72(g), because of the request of the responsible parent, where the order, judgment or decision upon which the submittal was made was entered/made/rendered in/by a Maine court or the Department.

Amendment Hearing: A hearing to determine whether to modify the amount of a current child support obligation and/or health insurance obligation established by an administrative decision.

Appeal Hearing: A hearing on the merits of the Division's action including (1) a submittal to IRS for Federal Income Tax Refund Offset, (2) a submittal to the State Tax Assessor for State Income Tax Refund Offset, (3) any of the actions stated in 12.4 (B) and 12.5 (A), or (4) an Alternative Review Hearing (for definition, see this chapter and see 12.1 [B]).

Applicant: An individual, state, political subdivision or instrumentality of a state, that seeks support enforcement services from the Department.

Assignment: Any assignment of rights to support under 42 USC § 602(a)(26)(A) (TANF), or § 471(a)(17) of the Social Security Act (Foster Care), or any assignment of rights to medical support and to payment for medical care from any third party under 42 CFR § 433.146 (Medicaid).

Assigned Support Obligation: Any support obligation which has been assigned to the State under 42 USC § 602(a)(26)(A) (TANF), or § 471(a)(17) of the Social Security Act (Foster Care), or any medical support obligation or payment for medical care from any third party which has been assigned to the State under 42 CFR § 433.146 (Medicaid).

BFI: The Bureau of Family Independence, Maine Department of Human Services.

Child Support Debt Due the Department: The debt referred to by 19A M.R.S.A. § 2301, may include assigned past necessary support, and may exceed the amount of TANF public assistance expended. The Department may establish/enforce/collect the debt for the State of Maine, another State or territory of the United States, another State or territory's IV-D agency, or a non-TANF client of the Department, and the Department must distribute according to 19A MRSA § 2401. May also be referred to as "debt due the department," "debt for public assistance," "debt for TANF public assistance," or "TANF debt."

CHAPTER 2 - DEFINITIONS

Collection-of-Support-Debt Mechanism: A generic term denoting any and embracing every means by which a child support debt can be collected (See 14.1[A])

Compliance with a Support Order: Means that the support obligor is no more than 60 days in arrears in making payments in full for current support, in making periodic payments on a support arrearage pursuant to a written agreement with the Department or in making periodic payments as set forth in the support order and has obtained or maintained health insurance coverage if required by a support order.

Court Order: Court order or judgment for the support of dependent child(ren) issued by any court of the State of Maine or another state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico, including an order in a final decree of divorce and an order established under URESA, RURESA or UIFSA.

Court of Proper Jurisdiction: The court which issued the original court order of support or in which the support order has been registered.

Custodial parent: A natural or adoptive parent, caretaker relative or legal custodian of a dependent child who is the child's primary residential care provider.

Decision: An administrative decision that establishes or modifies a responsible parent's child support obligation or which decides the merits of an appeal of agency action under 19A MRSA § 2451.

Default Decision: An administrative decision that establishes or modifies a child support obligation in a proceeding in which the responsible parent either did not request a hearing or did not appear at the hearing.

Department: The Maine Department of Human Services.

Division: The Division of Support Enforcement and Recovery, Bureau of Family Independence, Maine Department of Human Services.

Hearing Officer: Any person designated and authorized by the Commissioner to act as presiding officer at an administrative hearing to establish or modify a responsible parent's child support obligation or at a hearing concerning an appeal of agency action under 19A MRSA § 2451.

His: His or Her

Liquidated Debt: Money owed which has been made certain as to the amount due by legal or administrative adjudication, by agreement of the parties, or by operation of law. Examples of the ways in which a support debt can be liquidated are: (1) Service of a Notice of Debt (19A MRSA § 2352) to which there is no response or the administrative review of which is decided adversely to the responsible parent; (2) Service of an administrative decision that establishes or modifies a child support obligation; (3) a civil judgment issued/rendered/docketed by a court of competent jurisdiction; or (4) by a written agreement or promissory note signed by the responsible parent acknowledging the existence of a support debt in a specific amount, which has accrued pursuant to a support obligation established under the law of this or another state.

Medical Support: Amounts due an obligee under a court or administrative order for the payment of medical expenses of a dependent child, including reimbursement for qualified medical expenses awarded at an administrative hearing, and including an obligation to provide and maintain health insurance coverage for the medical, hospital, and dental expenses of a dependent child.

CHAPTER 2 - DEFINITIONS

Non-TANF Client: An individual receiving support enforcement services from the Department or from any other state's IV-D agency or instrumentality thereof, who does not receive public assistance from the TANF, IV-E Foster Care, or Medicaid Programs.

Non-TANF Medicaid Recipient: An individual who has been determined eligible for or is receiving Medicaid under Title XIX of the Social Security Act but is not receiving, nor deemed to be receiving, TANF under Title IV-A of the Social Security Act.

Notice of Hearing: The notice of hearing referred to in 19A MRSA § 2304, which concerns a hearing to establish or modify a child support obligation, establish a debt for past support, including medical expenses and establish an obligation to provide health insurance.

Notice of Review Hearing: The notice of hearing referred to in 19A MRSA § 2451, which concerns a hearing on an appeal of agency action.

OCSE: Office of Child Support Enforcement, U.S. Department of Health and Human Services.

Other parent: Unless otherwise defined or given another meaning by its context, the other parent of a responsible parent's child(ren) for whom current support is sought to be established or modified in the proceeding or with respect to whom a debt for public assistance is sought to be established in a proceeding.

Other Order of Administrative Process: An administrative order, decision or judgment of a state (other than the State of Maine), territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

Paternity Proceeding: A proceeding initiated by the Division pursuant to 19A MRSA § 1605, which is a proceeding that begins a legal action to establish paternity.

Payor of Public Assistance: The Department, or such other U.S. state, territory, possession or commonwealth or political sub-division or instrumentality thereof, or the District of Columbia, on behalf of which the Division is acting, which has paid and/or is paying TANF public assistance for the dependent child(ren) of the responsible parent.

Person: Any individual, trust, estate, partnership, association, company, corporation, political subdivision of the State or instrumentality of the State.

Pre-offset Notice: The notification required and described by 16.5 and 16.6.

Proceeding(s): A generic term that refers to an administrative hearing, review, petition, or action.

Public Assistance: Money payments and medical care furnished to or on behalf of dependent children by the State, including Medicaid, TANF, general assistance provided under 22 MRSA § 4301 *et seq.* and supplemental security income benefits provided under 22 MRSA § 3271. (See Chap. 5, in connection with the exemption of a responsible parent from incurrence/collection of support debt when receiving public assistance.)

Qualified medical expenses: Necessary medical expenses incurred for care provided to a dependent child for whom a responsible parent owes a duty of support, and/or for birth related expenses, and which have been paid by the child's primary care provider, the Department, or another payor of public assistance, and for which the primary care provider, the Department, or other payor of public

CHAPTER 2 - DEFINITIONS

assistance were not reimbursed by the responsible parent or his insurer, the child's(ren's) insurer or the primary care provider's insurer.

Recipient: Unless otherwise defined or given another meaning by its context (see e.g., the definition of "non-TANF client", this chapter), a recipient of TANF, Medicaid, or Foster Care payments.

Responsible parent: The natural, legal, or adoptive parent of a dependent child.

Review Affidavit: The affidavit required by 19A MRSA § 2451 to be served by a party requesting a review. If the party requesting a review is a responsible parent, a statement affirmed under the penalty for unsworn falsification may be used instead of an affidavit.

§2451 Decision: The decision in a § 2451 proceeding.

§2451 Hearing: A hearing on an appeal of agency action under 19A MRSA § 2451.

§2451 Proceeding: A proceeding under 19A MRSA § 2451, which concerns a responsible parent's appeal of agency action.

Service by Mail: Whenever service of an administrative decision is permitted by mail, the decision shall be mailed to the last known address of each parent. Service by mail is complete upon mailing and the parents are presumed to have received the decision within three (3) days of mailing.

State: The State of Maine.

Support guidelines: The child support table and the criteria for application of the table set forth in 19A MRSA § 2006.

Support Obligation: The amount due an obligee or payor of public assistance for support, including amounts due for medical support, under a court order, an administrative decision, or other order of administrative process, or a court order or order of administrative process of a foreign country (as and where enforceable), including any arrearages accrued thereunder.

Support Order: Means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

TANF: Temporary Assistance for Needy Families

Title IV-A or IV-A: Title IV-A of the Social Security Act (42 U.S.C. §§ 601 *et seq.*), which concerns the federal/state TANF Program.

Title IV-D or IV-D: Title IV-D of the Social Security Act (42 U.S.C. §§ 651 *et seq.*), which concerns the federal/state child support enforcement program.

Title IV-D Agency or IV-D Agency: A state's agency, or any sub-Division thereof, under Title IV-D of the Social Security Act.

URESA: The Revised Uniform Reciprocal Enforcement of Support Act, (a) wherever in force, and (b) as embodied in former 19 MRSA §§ 331-420.

CHAPTER 3 - SUPPORT ENFORCEMENT SERVICES

CHAPTER 3 - SUPPORT ENFORCEMENT SERVICES

1. DUTY TO PROVIDE SUPPORT ENFORCEMENT SERVICES

The Division of Support Enforcement shall provide support enforcement services for all children who are in need of securing support from their parent(s) regardless of their place of residence, circumstances, and whether or not they qualify for assistance pursuant to Title IV-A of the Social Security Act. It may seek to establish/enforce child support obligations under any appropriate statutes including, but not limited to, the Alternative Method of Support Enforcement.

2. DEFINITION AND SCOPE OF SUPPORT ENFORCEMENT SERVICES**A. Support Enforcement Services Include:**

1. Locating missing parents for the purpose of establishing/reviewing/enforcing/collecting child support obligations or establishing paternity;
2. Establishing child support obligations;
3. Collecting, monitoring, enforcing and distributing child and spousal support obligations;
4. Establishing paternity of children; and
5. Any other activities pertinent to the establishment, enforcement and collection of child support obligations.
6. Medical support services as follows: Establishing and enforcing health insurance obligations, and enforcing court-ordered medical expense obligations when the medical expenses have been paid by a person other than the responsible parent.

B. Support Enforcement Services Do Not Include:

1. Obtaining divorces;
2. Creation or enforcement of visitation rights;
3. Participation in custody disputes;
4. Enforcement of property settlements.

3. REFERRAL FOR SUPPORT ENFORCEMENT SERVICES WHEN RIGHTS TO SUPPORT ARE ASSIGNED

- A. The Division's involvement begins when cases are referred to it by a payor of public assistance or by a IV-D agency of another state.
- B. Good Cause (Maine Cases Only)

CHAPTER 3 - SUPPORT ENFORCEMENT SERVICES

If at the time of application a payor of public assistance finds good cause not to refer a case to the Division, the case is not referred. If good cause is granted by a payor of public assistance after a referral has been made, the Division shall close the referral and end all further activity.

4. DISREGARD/PAYMENT OF \$50 PER MONTH OF CHILD SUPPORT PAYMENTS

- A. In making a determination of need pursuant to 42 USC 602(a)(8)(A)(vi), the Department shall disregard the first \$50 of any child support payments for such month received in that month, and the first \$50 of child support payments for each prior month received in that month if such payments were made by the responsible parent in the month when due, with respect to the dependent child or children in any family applying for or receiving aid to families with dependent children (including support payments collected and paid to the family under 42 USC 657[b]). In addition the \$50 will not be considered as part of the overpayment when support is received directly by the recipient and is not forwarded to the State.
- B. Of such amounts of child support as are collected periodically which represent monthly support payments, the first \$50 of any payments for a month received in that month, and the first \$50 of payments for each prior month received in that month which were made by the responsible parent in the month when due, shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month.

5. APPLICATION FOR SUPPORT ENFORCEMENT SERVICES

A. Availability

Custodial parents and legal guardians not receiving TANF or IV-E Foster Care payments and non-TANF Medicaid recipients may receive support enforcement services by making application to the Division.

B. Application

Application for support enforcement services shall be made in a manner acceptable to the Division. A properly completed UIFSA petition may be considered an application for services if filed by or on behalf of a non-resident custodian/legal guardian. Pursuant to 19A MRSA §2108 the Department has received a waiver from the Secretary of the United States Health and Human Services to provide child support enforcement services without need of an application for services. The Department implemented the demonstration provisions of the waiver on June 1, 2000. The waiver will remain in effect for three years after the implementation date, or May 31, 2003.

C. Fees

There shall be an application fee of one dollar (\$1.00). Additionally, any fees necessary for the use of federal support enforcement assistance and costs for other services including, but not limited to, paternity testing, filing/service fees, federal "locate only" fees and legal services may be charged to the custodial parent in advance. Any accrued costs may be deducted from monthly collections. The Department may waive collection of all or part of the aforementioned costs, and/or application fee.

CHAPTER 3 - SUPPORT ENFORCEMENT SERVICES

D. Application For Review And Modification Services Required

A parent who requests the Division to review a support order pursuant to chapter 19 of the Manual must complete an application for the Division's services unless that parent's right to current support is assigned to the Department under 19A MRSA §2369 or the Division already provides services to that parent pursuant to 4.5(B) or 4.6 of the Manual.

6. CONTINUATION OF IV-D SERVICES FOR FORMER TANF, IV-E FOSTER CARE, AND NON-TANF MEDICAID RECIPIENTS

The Division shall continue providing IV-D services for an individual who was receiving IV-D services and is no longer eligible for assistance under the TANF, IV-E Foster Care, and Medicaid programs. The Division may not require an application, other request for services, or application fee from any individual who is eligible to receive services under this section. The Division shall notify the former recipient that IV-D services continue automatically. The notice must describe available services, fees, cost recovery, and distribution policies. The notice must inform the former recipient that if they want the Division to discontinue services, they must request that in writing.

7. CLOSING OF CASES

A. This section sets forth the Division's system and standards for the closing of its cases. In order to be eligible for closing, the case must meet at least one of the following criteria:

1. In the case of a child who has reached the age of majority, there is no longer a current support order, arrearages are under \$500 or unenforceable under Maine law, and any debt for public assistance under 19A MRSA § 2301 is under \$500 or is unenforceable under Maine law;
2. In the case of a child who has not reached the age of majority, there is no longer a current support order, arrearages are under \$500 or unenforceable under Maine law, and any debt for public assistance under 19A MRSA § 2301 is under \$500 or is unenforceable under Maine law;
3. The responsible parent or putative father is deceased and no further action, including any against the estate, can be taken;
4. Paternity cannot be established because:
 - a) The child is at least 18 years old and action to establish paternity is barred by the statute of limitations;
 - b) A genetic test or a court or administrative process has excluded the putative father and no other putative father can be identified;
 - c) The Division has determined that it would not be in the best interests of the child to establish paternity in a case involving incest, or forcible rape, or in any case where legal proceedings for adoption are pending; or
 - d) The identity of the biological father is unknown, and cannot be identified after diligent efforts, including at least one interview by the Division with the custodial parent.

CHAPTER 3 - SUPPORT ENFORCEMENT SERVICES

5. The responsible parent's location is unknown, and the Division has made regular attempts using multiple sources to locate the responsible parent over a three-year period, all of which have been unsuccessful.
6. The responsible parent cannot pay support for the duration of the child's minority because the parent has been institutionalized in a psychiatric facility, is incarcerated with no chance for parole or has a medically-verified total and permanent disability with no evidence of support potential. The Division must also determine that no income or assets are available to the responsible parent which could be proceeded against for support;
7. The responsible parent is a citizen of, and lives in, a foreign country, does not work for the federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and the State of Maine has been unable to establish reciprocity with the country;
8. The Division has provided location-only services as requested under 45 CFR § 302.35(c)(3);
9. The non-TANF client requests closure of a case in writing, there is no assignment to the Department of arrearages which accrued under a support order, and any debt for public assistance under 19A MRSA § 2301 is under \$500 or is unenforceable under Maine law;
10. There has been a finding of good cause as set forth in federal regulations and the Department has determined that support enforcement may not proceed without risk or harm to the child or caretaker relative;
11. In a non-TANF case, the Division is unable to contact the non-TANF client within a 60 calendar day period despite attempts by phone and at least one first class letter to the last known address; or
12. In a non-TANF case, the Division documents the circumstances of the non-TANF client's non-cooperation and an action by the non-TANF client constituting cooperation is essential for the next step in providing IV-D services or for the continuation of any IV-D service. "Cooperation" includes: Providing the Department with a current address; appearing at a Departmental office as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the client; appearing as a witness at judicial or administrative hearings, and executing all documents required for the prosecution or defense of such proceedings; providing information, or attesting to the lack of information, under the penalty of perjury or the penalties for unsworn falsification; and, delivering promptly to the Department any support payments received after becoming a non-TANF client of the Department (except those transmitted to the client by the Department). Non-cooperation includes engaging the support enforcement services of another agency and/or a private attorney, except as and when permitted by the Division as and when, in its judgment, such activity on the part of the client will interfere with neither the Division's fulfillment of its responsibilities to the client under State and federal law nor its control of those services for which it is accountable under federal and State law.

CHAPTER 3 - SUPPORT ENFORCEMENT SERVICES

In cases meeting the criteria in paragraphs 1 thru 7 and 11 thru 12 of sub-section A, the Division shall notify the TANF recipient or non-TANF client in writing 60 days prior to closure of the case of the Division's intent to close the case. The case shall be kept open if the TANF recipient or non-TANF client supplies information in response to the notice which could lead to the establishment of paternity or a support order or enforcement of an order or, in the instance of paragraph 11 of sub-section A, if contact is re-established with the non-TANF client or, in the instance of Paragraph 12 of sub-section A, the essential action by the non-TANF client is taken by the client in response to the notice. If the case is closed, the TANF recipient or the non-TANF client may request in writing at a later date that the case be reopened if there is a change in circumstances which could lead to the establishment of paternity or a support order or enforcement of an order.

The Division shall retain all records for cases closed pursuant to this section for a minimum of three years.

8. DISTRIBUTION AND TRANSMITTAL OF SUPPORT COLLECTIONS IN NON-TANF CASES

A. Distribution of collections other than those from federal income tax refund offset:

1. In all cases, monthly collections up to the amount of current monthly support obligations are sent to the client.
2. Child support collected in excess of current support (except for federal income tax refund offset) shall be distributed in the following priority: Arrears owed to the client that accrued after the client no longer received TANF (post assistance arrears) shall be paid to the client; then Arrears owed to the client that accrued before the client received AFDC or TANF (pre-assistance arrears) shall be paid to the client; and then any remaining arrears may be retained by the Department and applied against arrears accrued and owed to the Department during the time the client received AFDC or TANF and arrears that are permanently assigned by the client. The Department will not reimburse more than the amount of public assistance expended.
3. If there is no support arrearage or debt for public assistance owed to the Department by the responsible parent, the entire monthly collection is paid to the client.

B. Collections from the federal income tax refund offset are applied first to the satisfaction of any past due support arrearage or debt for public assistance owed by the responsible parent to the Department, and then toward reduction of any past-due support arrearage due the client by the responsible parent.

C. Disbursements to clients are made within two days after support monies are received and posted by the Departmental Cashier.

9. DEPARTMENT'S ENTITLEMENT TO RETURN OF AND RIGHT TO RECOVER MONIES THAT NON-TANF CLIENT IS NOT ENTITLED TO RETAIN

The Department shall be entitled to the return of and may recover from a non-TANF client any monies which have been distributed to the non-TANF client but which the non-TANF client is not entitled to retain. A non-TANF client is not entitled to retain so much of monies distributed to her/him as are in excess of the amount to which she/he was entitled to have distributed to her/him at the time of distribution of such monies. Monies to which a non-TANF client is not entitled include, but are not limited to, (1) monies to which another responsible-parent account

CHAPTER 3 - SUPPORT ENFORCEMENT SERVICES

(TANF or non-TANF) was entitled; and (2) monies the Department has been obliged or required to return to or credit to the account of the responsible parent. The applicability of this section is not dependent upon which particular collection mechanism was/is being utilized by the Division to enforce/collect the support obligation.

10. ENFORCEMENT IN FOSTER CARE CASES

Cooperative Agreement Required

Upon the execution of an acceptable cooperative agreement between the Division of Support Enforcement and The Division of Child and Family Services, the Division shall accept referrals on court-ordered cases for Support Enforcement services. The services provided will be in accordance with the terms of the agreement and applicable federal laws and regulations.

11. ENFORCEMENT AND INFORMATION SERVICES FOR STATE MEDICAID AGENCY

The Division shall provide enforcement and information services to the state Medicaid agency as is/may be provided for in a cooperative agreement between the Division and the Medicaid agency and/or as may be required by federal laws and regulations.

12. PERSONS/AGENCIES/GOVERNMENTAL ENTITIES FOR WHICH SERVICES MAY BE PROVIDED

The Department may provide the same services to another state (or subdivision thereof) or to a IV-D Agency of any other state for the benefit of such other state (or subdivision thereof) or for the benefit of a non-TANF client of any such IV-D Agency, as the Department may provide for itself or for any non-TANF client of the Department. In the performance of these services, it may utilize any and all remedies available to it under the Alternative Method of Support Enforcement and otherwise for itself and its non-TANF clients.

CHAPTER 4 - FEES

CHAPTER 4 - FEES

1. EMPLOYER FEES

The Department is authorized under 19A MRSA §§ 2370 & 2663 to adopt a fee that employers and other payors of income may charge a responsible parent for the cost of complying with the State's income withholding laws. The fee that employers may charge and deduct from the responsible parent's wages is \$2.00 per transaction.

2. FEES AND COSTS CHARGED BY THE DEPARTMENT

The Department's fee for administering income withholding under 19A MRSA § 2652 (6) is \$2.00 per transaction.

CHAPTER 5 - LIMITATION OF DEBT; BAR AGAINST COLLECTION (19A MRSA § 2302);SSI

CHAPTER 5 - LIMITATION OF DEBT; BAR AGAINST COLLECTION (19A MRSA § 2302);SSI

1. LIMITATION OF DEBT

- A. When a responsible parent receives public assistance for the benefit of his or her child, or receives supplemental security income (SSI), the responsible parent's support obligation is automatically suspended. The automatic suspension ends and the obligation resumes at the same level, at which it was suspended, two weeks after the responsible parent stops receiving public assistance or SSI. (19A MRSA §2302) A debt previously incurred under 19A MRSA §2301 may not be collected from a responsible parent while that parent receives public assistance or SSI.
- B. The custodial parent may seek to modify the effect of section 2302 by filing a petition for modification with the court or the Department, if an administrative order. The court or the administrative hearing officer may, by order after hearing, modify the effect of 2302(2).
- C. As soon as practicable after the Department knows the responsible parent is receiving public assistance or SSI, the Department shall send notices to the responsible parent and the custodial parent notifying them of the responsible parent's receipt of public assistance or SSI; the suspension in 2302(2); the custodial parent's right to contest the suspension; and the location where forms for the modification proceedings can be obtained. The Department shall include blank forms for use in beginning the modification process.

2. BAR AGAINST COLLECTION

The Department may not collect a debt previously incurred under 19A MRSA §2302 from any responsible parent while that parent receives public assistance for the benefit of any of his or her natural or adopted children or while that parent receives SSI

3. PUBLIC ASSISTANCE

For purposes of this chapter, "public assistance" means money payments and medical care furnished to or for dependent children by this State or another state as a result of an application for TANF. It does not include assistance furnished by a political subdivision. A responsible parent who receives needs based Medicaid may be exempt under section 9 of this chapter.

4. DUTY TO INFORM

The Division's combined notice of support debt and notice of intention to withhold must tell responsible parents about the limitation of debt, bar against collection and SSI provisions described in this chapter. A similar notice also must appear in the responsible parent's copy of the Division's order to withhold and deliver form.

5. PROOF OF CLAIM

A responsible parent who claims that Section 1 or 2 of this chapter applies must provide the Division with proof of his or her receipt of public assistance. A responsible parent who claims that Section 8 of this chapter applies must provide the Division with proof of his or her receipt of SSI. The Division shall make reasonable efforts to verify claims of receipt of public assistance or SSI.

CHAPTER 5 - LIMITATION OF DEBT; BAR AGAINST COLLECTION (19A MRSA § 2302);SSI

6. TAX REFUND OFFSET

For purposes of sections 2 and 8 of this chapter, a debt is not collected by tax refund intercept until the date of the IRS notice of offset for a federal income tax refund and the date of offset (or setoff) by the State Tax Assessor for a State income tax refund.

7. ACTIONS ALLOWED

Notwithstanding the provisions of this chapter, when a responsible parent is in receipt of public assistance for his or her natural or adopted children, or receives SSI, the Division may take action that does not constitute collection, including, but not limited to, the following:

- A. Proceeding under chapter 8 of the Manual to establish or amend a child support obligation.
- B. Proceeding under 19A MRSA §2352 to establish a responsible parent's obligation to pay past support.
- C. Filing a lien under 19A MRSA §2357.
- D. Investigating and aiding in the prosecution of criminal nonsupport.
- E. Reporting a debt to a consumer reporting agency under 10 MRSA §1329.
- F. Establish paternity.

8. SUPPLEMENTAL SECURITY INCOME (SSI)

The Department may not collect child support from a responsible parent who receives Supplemental Security Income (SSI) or who provides primary residential care for his or her own child who receives SSI. The Department may not enforce a child support obligation that accrues during a period when the responsible parent is exempt from collection action due to receipt of SSI.

9. REUNITED FAMILY EXEMPTIONS

- A. When a responsible parent informs the Department that the parent has reunited with the former TANF recipient and the child or children for whom past-due support is owed, the amount of income withholding should not exceed 20 percent of the family earnings that exceed the federal poverty guidelines for a family of that size, unless the responsible parent requests withholding of a greater amount. Receipt of lump sum monies by the reunited family is not to be considered as part of the family earnings and is subject to collection action by the Department. Examples of lump sum monies include but are not limited to: federal or state tax intercepts, proceeds from the sale of property, lottery winnings, inheritance, and workers' compensation or other insurance settlements. This limitation applies only to debts owed to the Department.
- B. The Department may not collect a child support debt from a responsible parent when that parent has custody of the child for whom the public assistance debt is owed and that parent receives Medicaid for the child so long as the Medicaid grant is needs based. The child

CHAPTER 5 - LIMITATION OF DEBT; BAR AGAINST COLLECTION (19A MRSA § 2302);SSI

support debt must be owed to the Department and must be for the child now residing with the responsible parent

CHAPTER 6 - CHILD SUPPORT GUIDELINES

CHAPTER 6 - CHILD SUPPORT GUIDELINES

1. APPLICABILITY TO ADMINISTRATIVE HEARINGS

The Child Support Guidelines (19A MRSA §§ 2001-2009) apply to any proceeding in which the Division seeks to establish or modify a responsible parent's child support obligations.

2. CHILD SUPPORT TABLE

The following Schedule of Basic Weekly Child Support Entitlements (pp. 20-24) is the Child Support Table referred to and described by 19A MRSA § 2001(3).

The Table was created by Policy Studies Inc. pursuant to a quadrennial review of Maine's Child Support Table. The design of the Table is based on a number of key economic decisions and assumptions. The Table uses the Betson-Rothbarth Estimator for estimating child-rearing expenditures. [David M. Betson, *Alternative Estimates of the Cost of Children from the 1980-86 Consumer Expenditure Survey*, Report to U.S. Department of Health and Human Services (Office of the Assistant Secretary for Planning and Evaluation) University of Wisconsin Institute for Research on Poverty (September 1990); Lewin/ICF, *Estimates of Expenditures on Children and Child Support Guidelines*, Report to U.S. Department of Health and Human Services (Office of the Assistant Secretary for Planning and Evaluation, Lewin/ICF (October 1990)]. Dr. Betson's research provides estimates of the proportion of household consumption expenditures ascribed to children. These estimates have been realigned for Maine's relatively low income. The most significant assumptions are noted below.

- A. The Table is designed to provide child support as a specified proportion of the obligor's net income. A table of child support based on obligor net income is developed before converting the tables to gross income. The tables are converted to gross income for three reasons:
 1. Use of gross income greatly simplifies use of the Table because it obviates the need for a complex gross to net calculation in individual cases;
 2. Use of gross income can be more equitable because it avoids non-comparable deductions that may arise in making the gross to net calculation in individual cases; and
 3. Use of gross income does not cause child support to be increased when an obligor acquires dependents, claims more exemptions, and therefore has a higher net income for a given level of gross income.

In converting the Table to gross income base, Policy Studies Inc. assumed that the obligor claims one exemption (for filing, two for withholding) and the standard deduction. This is the most favorable assumption that can be made concerning an obligor's filing status. Obligor's with more than one exemption, or with itemized deductions would have a slightly higher obligation under an equivalent net income guideline.

- B. Tax Exemptions for child(ren) due support. The Table presumes that the noncustodial parent does not claim the tax exemptions nor the child tax credit for child(ren) due support. In computing federal tax obligations, the custodial parent is entitled to claim the tax exemption(s) for any divorce occurring after 1984, unless the custodial parent signs over the exemption(s) to the noncustodial parent each year. The child tax credit is given to the parent

CHAPTER 6 - CHILD SUPPORT GUIDELINES

- claiming the tax exemption. The Table presumes that the custodial parent claims the exemption(s) and child tax credit for the child(ren) due child support. Depriving the custodial parent of the exemptions means the custodial parent is receiving less support than the Tables provide.
- C. Income assumed to be taxable. Because the Table has withholding tables built into it, the design assumes that all income of both parents is taxable.
- D. Subsistence needs of the noncustodial parent.
1. Self-support reserve. Incorporated into the Table is a “self-support reserve” for obligors. This concept allows low income obligors to retain enough income after payment of taxes and child support to maintain at least a subsistence level of living (i.e., the self-support reserve.) The self-support reserve is shaded in the Table. The obligor’s basic support obligation has already been reduced within the self-support reserve to allow the low income obligor to retain more income. If the obligor’s annual gross income, without adjustments, is in the self-support reserve, the amount listed in the Table for the number of children is the obligor’s basic support obligation, regardless of the parties’ combined gross income. The obligor’s proportional share of childcare, health insurance premiums and extraordinary medical expenses are added to the basic support obligation to determine the obligor’s total support obligation.
 2. Federal poverty calculation. Obligor’s earning less than the federal poverty wage for one person, regardless of the number of people in the obligor’s household, pay no more than 10% of the obligor’s weekly gross income as a weekly parental support obligation for all the children for whom a support award is being established or modified, regardless of the parties’ combined annual gross income. This calculation is done for each family and deductions from the obligor’s gross income are not made for other families.
- E. The Table does not include expenditures on child care, extraordinary medical, and the child’s share of health insurance costs. The Table is based on economic data that represents estimates of total expenditures on child-rearing costs up to age 18. The major categories of expenditures include food, housing, home furnishings, utilities, transportation, clothing, education, and recreation. Excluded from these figures are average expenditures for child care, children’s’ extraordinary medical care, and the children’s’ share of health insurance. These costs are deducted from the base amounts used to establish the Table because they are added to child support obligations as actually incurred in individual cases. Deducting these expenditures from the base amounts avoids double-costing them in the child support calculation.
- F. The Table includes expenditures on ordinary medical care. Although expenditures for the children’s extraordinary medical care and the children’s share of health insurance are to be added to the child support obligation as actually incurred in individual cases, it is assumed that parents will make some expenditures on behalf of the children’s ordinary (i.e. out-of-pocket expenses not covered by insurance) medical care. The Table is based on the assumption that expenditures on ordinary medical care are \$250 per year per child.
- G. The Table considers the age of the child. Child-rearing expenditures are averaged for children across the entire age range of 0 – 17 years then later adjusted for age of the child: 0 – 11 years old; and 12 – 17 years old. Expenditures are higher for teen-aged children, and lower for pre-teen children.

CHAPTER 6 - CHILD SUPPORT GUIDELINES

- H. Visitation costs are not factored into the Table. Since the Table is based on expenditures for children in intact households, there is no consideration given for visitation costs. Taking such costs into account would be further complicated by the variability in actual visitation patterns and the duplicative nature of many costs incurred for visitation (e.g. housing, home furnishings).

Maine Child Support Enforcement Manual

CHAPTER 6 - CHILD SUPPORT GUIDELINES

Maine													
Schedule of Basic Child Support Obligation													
(per child, per week, rounded to the nearest dollar)													
Parents' Combined Annual Gross Income	Ages of Children Age 0 thru 11 Years						Parents' Combined Annual Gross Income	Ages of Children Age 12 thru 17 Years					
	Number of Children							Number of Children					
	1	2	3	4	5	6		1	2	3	4	5	6
	10 % When Below \$8,591.00							10 % When Below \$8,591.00					
\$ 8,591	17	12	9	7	6	5	\$ 8,591	22	15	11	9	8	7
\$ 9,600	24	16	12	10	8	7	\$ 9,600	30	19	15	12	10	9
\$ 10,200	31	19	15	12	10	9	\$ 10,200	38	23	18	15	13	11
\$ 10,800	38	22	17	14	12	11	\$ 10,800	47	28	21	18	15	13
\$ 11,400	43	26	20	17	14	13	\$ 11,400	54	32	25	20	18	16
\$ 12,000	45	29	23	19	16	15	\$ 12,000	56	36	28	23	20	18
\$ 12,600	47	32	26	21	18	16	\$ 12,600	58	40	32	26	23	20
\$ 13,200	49	36	28	23	20	18	\$ 13,200	61	44	35	29	25	22
\$ 13,800	51	37	29	24	21	19	\$ 13,800	63	46	36	30	26	23
\$ 14,400	53	39	30	25	22	20	\$ 14,400	65	48	38	31	27	24
\$ 15,000	55	40	32	26	23	20	\$ 15,000	68	49	39	32	28	25
\$ 15,600	57	41	33	27	23	21	\$ 15,600	70	51	40	33	29	26
\$ 16,200	58	43	34	28	24	22	\$ 16,200	72	53	42	34	30	27
\$ 16,800	60	44	35	29	25	22	\$ 16,800	74	54	43	35	31	27
\$ 17,400	62	45	36	30	26	23	\$ 17,400	77	56	44	37	32	28
\$ 18,000	64	46	37	30	26	24	\$ 18,000	79	57	45	38	33	29
\$ 18,600	66	48	38	31	27	24	\$ 18,600	81	59	47	39	33	30
\$ 19,200	67	49	39	32	28	25	\$ 19,200	83	61	48	40	34	31
\$ 19,800	69	50	40	33	29	25	\$ 19,800	85	62	49	41	35	31
\$ 20,400	71	52	41	34	29	26	\$ 20,400	88	64	50	42	36	32
\$ 21,000	73	53	42	35	30	27	\$ 21,000	90	65	52	43	37	33
\$ 21,600	74	54	43	35	31	27	\$ 21,600	92	67	53	44	38	34
\$ 22,200	76	55	44	36	31	28	\$ 22,200	94	69	54	45	39	35
\$ 22,800	78	57	45	37	32	29	\$ 22,800	96	70	55	46	40	35
\$ 23,400	79	58	46	38	33	29	\$ 23,400	98	71	56	47	41	36
\$ 24,000	81	59	46	39	33	30	\$ 24,000	100	73	57	48	41	37
\$ 24,600	83	60	47	39	34	30	\$ 24,600	102	74	59	49	42	38
\$ 25,200	84	61	48	40	35	31	\$ 25,200	104	76	60	49	43	38
\$ 25,800	86	62	49	41	35	31	\$ 25,800	106	77	61	50	44	39
\$ 26,400	87	64	50	41	36	32	\$ 26,400	108	79	62	51	44	40
\$ 27,000	89	65	51	42	37	33	\$ 27,000	110	80	63	52	45	40
\$ 27,600	91	66	52	43	37	33	\$ 27,600	112	81	64	53	46	41
\$ 28,200	92	67	53	44	38	34	\$ 28,200	114	83	65	54	47	42
\$ 28,800	94	68	54	44	39	34	\$ 28,800	116	84	66	55	48	42

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CHAPTER 6 - CHILD SUPPORT GUIDELINES

\$ 29,400	95	69	54	45	39	35	\$ 29,400	118	86	67	56	48	43
\$ 30,000	97	70	55	46	40	36	\$ 30,000	120	87	68	57	49	44
\$ 30,600	99	72	56	47	40	36	\$ 30,600	122	89	70	58	50	45
\$ 31,200	100	73	57	47	41	37	\$ 31,200	124	90	71	59	51	45
\$ 31,800	102	74	58	48	42	37	\$ 31,800	126	91	72	60	52	46
\$ 32,400	104	75	59	49	42	38	\$ 32,400	128	93	73	60	52	47
\$ 33,000	105	76	60	50	43	38	\$ 33,000	130	94	74	61	53	47
\$ 33,600	107	77	61	50	44	39	\$ 33,600	132	96	75	62	54	48
\$ 34,200	108	78	62	51	44	39	\$ 34,200	134	97	76	63	55	49
\$ 34,800	110	79	62	52	45	40	\$ 34,800	135	98	77	64	55	49
\$ 35,400	111	80	63	52	45	40	\$ 35,400	137	99	78	65	56	50
\$ 36,000	112	81	64	53	46	41	\$ 36,000	139	100	79	65	57	50
\$ 36,600	114	82	64	53	46	41	\$ 36,600	140	102	80	66	57	51
\$ 37,200	115	83	65	54	47	42	\$ 37,200	142	103	81	67	58	52
\$ 37,800	116	84	66	55	47	42	\$ 37,800	144	104	82	68	59	52
\$ 38,400	118	85	67	55	48	43	\$ 38,400	145	105	83	68	59	53
\$ 39,000	119	86	68	56	49	43	\$ 39,000	147	106	84	69	60	54
\$ 39,600	120	87	68	57	49	44	\$ 39,600	149	108	84	70	61	54
\$ 40,200	122	88	69	57	50	44	\$ 40,200	151	109	85	71	61	55
\$ 40,800	123	89	70	58	50	45	\$ 40,800	152	110	86	72	62	55
\$ 41,400	125	90	71	59	51	45	\$ 41,400	154	111	87	72	63	56
\$ 42,000	126	91	72	59	51	46	\$ 42,000	156	113	88	73	64	57
\$ 42,600	127	92	72	60	52	46	\$ 42,600	158	114	89	74	64	57
\$ 43,200	129	93	73	61	53	47	\$ 43,200	159	115	90	75	65	58
\$ 43,800	130	94	74	61	53	47	\$ 43,800	161	116	91	76	66	59
\$ 44,400	132	95	75	62	54	48	\$ 44,400	163	118	92	77	66	59
\$ 45,000	133	96	75	63	54	48	\$ 45,000	164	119	93	77	67	60
\$ 45,600	134	97	76	63	55	49	\$ 45,600	166	120	94	78	68	60
\$ 46,200	136	98	77	64	55	49	\$ 46,200	168	121	95	79	68	61
\$ 46,800	137	99	78	64	56	50	\$ 46,800	169	122	96	79	69	61
\$ 47,400	138	100	78	65	56	50	\$ 47,400	170	123	97	80	69	62
\$ 48,000	138	100	79	65	56	50	\$ 48,000	171	124	97	81	70	62
\$ 48,600	139	101	79	66	57	51	\$ 48,600	172	125	98	81	70	63
\$ 49,200	140	101	80	66	57	51	\$ 49,200	173	125	98	82	71	63
\$ 49,800	141	102	80	66	58	51	\$ 49,800	174	126	99	82	71	64
\$ 50,400	142	103	81	67	58	52	\$ 50,400	175	127	100	83	72	64
\$ 51,000	143	103	81	67	58	52	\$ 51,000	177	128	100	83	72	64
\$ 51,600	144	104	82	68	59	52	\$ 51,600	178	129	101	84	73	65
\$ 52,200	145	105	82	68	59	53	\$ 52,200	179	129	102	84	73	65
\$ 52,800	145	105	83	69	59	53	\$ 52,800	180	130	102	85	74	66
\$ 53,400	146	106	83	69	60	53	\$ 53,400	181	131	103	85	74	66
\$ 54,000	147	107	84	69	60	54	\$ 54,000	182	132	104	86	74	66
\$ 54,600	148	107	84	70	61	54	\$ 54,600	183	133	104	86	75	67
\$ 55,200	149	108	85	70	61	54	\$ 55,200	184	133	105	87	75	67
\$ 55,800	149	108	85	71	61	55	\$ 55,800	185	134	105	87	76	67

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\$ 56,400	150	109	85	71	61	55	\$ 56,400	186	134	106	88	76	68
\$ 57,000	151	109	86	71	62	55	\$ 57,000	186	135	106	88	76	68
\$ 57,600	151	110	86	71	62	55	\$ 57,600	187	135	106	88	76	68
\$ 58,200	152	110	86	72	62	55	\$ 58,200	188	136	107	88	77	68
\$ 58,800	153	110	87	72	62	55	\$ 58,800	189	137	107	89	77	69
\$ 59,400	153	111	87	72	62	56	\$ 59,400	190	137	107	89	77	69
\$ 60,000	154	111	87	72	63	56	\$ 60,000	190	138	108	89	77	69
\$ 60,600	155	112	87	73	63	56	\$ 60,600	191	138	108	90	78	69
\$ 61,200	155	112	88	73	63	56	\$ 61,200	192	139	109	90	78	70
\$ 61,800	156	113	88	73	63	56	\$ 61,800	193	139	109	90	78	70
\$ 62,400	156	113	88	73	64	57	\$ 62,400	193	140	109	91	79	70
\$ 63,000	157	113	89	73	64	57	\$ 63,000	194	140	110	91	79	70
\$ 63,600	158	114	89	74	64	57	\$ 63,600	195	141	110	91	79	70
\$ 64,200	158	114	89	74	64	57	\$ 64,200	196	141	110	91	79	71
\$ 64,800	159	115	90	74	64	57	\$ 64,800	196	142	111	92	80	71
\$ 65,400	160	115	90	75	65	58	\$ 65,400	197	142	111	92	80	71
\$ 66,000	160	115	90	75	65	58	\$ 66,000	198	143	112	92	80	72
\$ 66,600	161	116	91	75	65	58	\$ 66,600	199	143	112	93	80	72
\$ 67,200	161	116	91	75	65	58	\$ 67,200	199	144	112	93	81	72
\$ 67,800	162	117	91	76	66	58	\$ 67,800	200	144	113	93	81	72
\$ 68,400	162	117	92	76	66	59	\$ 68,400	201	145	113	94	81	73
\$ 69,000	163	117	92	76	66	59	\$ 69,000	201	145	114	94	82	73
\$ 69,600	163	118	92	76	66	59	\$ 69,600	202	146	114	94	82	73
\$ 70,200	164	118	92	77	66	59	\$ 70,200	203	146	114	95	82	73
\$ 70,800	164	119	93	77	67	59	\$ 70,800	203	147	115	95	82	74
\$ 71,400	165	119	93	77	67	60	\$ 71,400	204	147	115	95	83	74
\$ 72,000	165	119	93	77	67	60	\$ 72,000	205	148	115	96	83	74
\$ 72,600	166	120	94	78	67	60	\$ 72,600	205	148	116	96	83	74
\$ 73,200	167	120	94	78	68	60	\$ 73,200	206	149	116	96	84	75
\$ 73,800	167	121	94	78	68	61	\$ 73,800	207	149	117	97	84	75
\$ 74,400	168	121	95	79	68	61	\$ 74,400	208	150	117	97	84	75
\$ 75,000	169	122	95	79	69	61	\$ 75,000	209	151	118	98	85	76
\$ 75,600	170	123	96	80	69	61	\$ 75,600	210	152	119	98	85	76
\$ 76,200	171	123	96	80	69	62	\$ 76,200	211	152	119	99	86	76
\$ 76,800	172	124	97	80	70	62	\$ 76,800	213	153	120	99	86	77
\$ 77,400	173	125	98	81	70	62	\$ 77,400	214	154	121	100	87	77
\$ 78,000	174	125	98	81	70	63	\$ 78,000	215	155	121	100	87	78
\$ 78,600	175	126	99	82	71	63	\$ 78,600	216	156	122	101	88	78
\$ 79,200	176	127	99	82	71	64	\$ 79,200	217	157	123	102	88	79
\$ 79,800	177	128	100	83	72	64	\$ 79,800	219	158	123	102	89	79
\$ 80,400	178	128	100	83	72	64	\$ 80,400	220	159	124	103	89	79
\$ 81,000	179	129	101	84	72	65	\$ 81,000	221	159	125	103	90	80
\$ 81,600	180	130	101	84	73	65	\$ 81,600	222	160	125	104	90	80
\$ 82,200	181	130	102	84	73	65	\$ 82,200	224	161	126	104	91	81
\$ 82,800	182	131	102	85	74	66	\$ 82,800	225	162	127	105	91	81

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\$ 83,400	183	132	103	85	74	66	\$ 83,400	226	163	127	106	91	82
\$ 84,000	184	132	104	86	74	66	\$ 84,000	227	164	128	106	92	82
\$ 84,600	185	133	104	86	75	67	\$ 84,600	229	165	129	107	92	82
\$ 85,200	186	134	105	87	75	67	\$ 85,200	230	166	129	107	93	83
\$ 85,800	187	135	105	87	76	67	\$ 85,800	231	166	130	108	93	83
\$ 86,400	188	135	106	88	76	68	\$ 86,400	232	167	131	108	94	84
\$ 87,000	189	136	106	88	76	68	\$ 87,000	233	168	131	109	94	84
\$ 87,600	190	137	107	88	77	68	\$ 87,600	235	169	132	109	95	85
\$ 88,200	191	137	107	89	77	69	\$ 88,200	236	170	133	110	95	85
\$ 88,800	192	138	108	89	77	69	\$ 88,800	237	171	133	110	96	85
\$ 89,400	193	139	108	90	78	69	\$ 89,400	238	171	134	111	96	86
\$ 90,000	193	139	109	90	78	70	\$ 90,000	239	172	134	111	97	86
\$ 90,600	194	140	109	91	78	70	\$ 90,600	240	173	135	112	97	87
\$ 91,200	195	141	110	91	79	70	\$ 91,200	241	174	136	112	97	87
\$ 91,800	196	141	110	91	79	71	\$ 91,800	243	175	136	113	98	87
\$ 92,400	197	142	111	92	80	71	\$ 92,400	244	175	137	113	98	88
\$ 93,000	198	142	111	92	80	71	\$ 93,000	245	176	137	114	99	88
\$ 93,600	199	143	112	93	80	72	\$ 93,600	246	177	138	114	99	89
\$ 94,200	200	144	112	93	81	72	\$ 94,200	247	178	139	115	100	89
\$ 94,800	201	144	113	93	81	72	\$ 94,800	248	179	139	115	100	89
\$ 95,400	202	145	113	94	81	73	\$ 95,400	249	179	140	116	101	90
\$ 96,000	203	146	114	94	82	73	\$ 96,000	250	180	141	117	101	90
\$ 96,600	204	146	114	95	82	73	\$ 96,600	252	181	141	117	101	90
\$ 97,200	204	147	115	95	82	74	\$ 97,200	253	182	142	118	102	91
\$ 97,800	205	148	115	95	83	74	\$ 97,800	254	183	142	118	102	91
\$ 98,400	206	148	116	96	83	74	\$ 98,400	255	183	143	119	103	92
\$ 99,000	207	149	116	96	84	74	\$ 99,000	256	184	144	119	103	92
\$ 99,600	208	150	117	97	84	75	\$ 99,600	257	185	144	120	104	92
\$ 100,200	209	150	117	97	84	75	\$ 100,200	258	186	145	120	104	93
\$ 100,800	210	151	118	98	85	75	\$ 100,800	260	187	146	121	105	93
\$ 101,400	211	152	118	98	85	76	\$ 101,400	261	187	146	121	105	94
\$ 102,000	212	152	119	98	85	76	\$ 102,000	262	188	147	122	105	94
\$ 102,600	213	153	119	99	86	76	\$ 102,600	263	189	147	122	106	94
\$ 103,200	214	154	120	99	86	77	\$ 103,200	264	190	148	123	106	95
\$ 103,800	214	154	120	100	86	77	\$ 103,800	265	191	149	123	107	95
\$ 104,400	215	155	121	100	87	77	\$ 104,400	266	191	149	124	107	96
\$ 105,000	216	155	121	100	87	78	\$ 105,000	267	192	150	124	108	96
\$ 105,600	217	156	122	101	87	78	\$ 105,600	268	193	150	125	108	96
\$ 106,200	218	157	122	101	88	78	\$ 106,200	269	194	151	125	109	97
\$ 106,800	219	157	123	102	88	79	\$ 106,800	270	194	152	126	109	97
\$ 107,400	220	158	123	102	89	79	\$ 107,400	271	195	152	126	109	98
\$ 108,000	220	159	124	102	89	79	\$ 108,000	273	196	153	127	110	98
\$ 108,600	221	159	124	103	89	80	\$ 108,600	274	197	153	127	110	98
\$ 109,200	222	160	125	103	90	80	\$ 109,200	275	198	154	128	111	99
\$ 109,800	223	160	125	104	90	80	\$ 109,800	276	198	155	128	111	99

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\$ 110,400	224	161	126	104	90	81	\$ 110,400	277	199	155	129	112	100
\$ 111,000	225	162	126	105	91	81	\$ 111,000	278	200	156	129	112	100
\$ 111,600	226	162	127	105	91	81	\$ 111,600	279	201	157	130	113	100
\$ 112,200	226	163	127	105	91	81	\$ 112,200	280	201	157	130	113	101
\$ 112,800	227	164	128	106	92	82	\$ 112,800	281	202	158	131	113	101
\$ 113,400	228	164	128	106	92	82	\$ 113,400	282	203	158	131	114	101
\$ 114,000	229	165	129	107	92	82	\$ 114,000	283	204	159	132	114	102
\$ 114,600	230	165	129	107	93	83	\$ 114,600	284	204	160	132	115	102
\$ 115,200	231	166	130	107	93	83	\$ 115,200	285	205	160	133	115	103
\$ 115,800	232	167	130	108	93	83	\$ 115,800	286	206	161	133	116	103
\$ 116,400	232	167	131	108	94	84	\$ 116,400	287	207	161	134	116	103
\$ 117,000	233	168	131	109	94	84	\$ 117,000	288	208	162	134	116	104
\$ 117,600	234	169	132	109	95	84	\$ 117,600	290	208	163	135	117	104
\$ 118,200	235	169	132	109	95	85	\$ 118,200	291	209	163	135	117	105
\$ 118,800	236	170	133	110	95	85	\$ 118,800	292	210	164	136	118	105
\$ 119,400	237	170	133	110	96	85	\$ 119,400	293	211	164	136	118	105
\$ 120,000	238	171	134	111	96	86	\$ 120,000	294	211	165	137	119	106
\$ 120,600	238	172	134	111	96	86	\$ 120,600	295	212	166	137	119	106
\$ 121,200	239	172	134	111	97	86	\$ 121,200	296	213	166	138	119	107
\$ 121,800	240	173	135	112	97	86	\$ 121,800	297	214	167	138	120	107
\$ 122,400	241	173	135	112	97	87	\$ 122,400	298	214	167	139	120	107
\$ 123,000	242	174	136	113	98	87	\$ 123,000	299	215	168	139	121	108
\$ 123,600	242	174	136	113	98	87	\$ 123,600	300	216	168	140	121	108
\$ 124,200	243	175	137	113	98	88	\$ 124,200	301	216	169	140	121	108
\$ 124,800	244	176	137	114	99	88	\$ 124,800	302	217	170	141	122	109
\$ 125,400	245	176	138	114	99	88	\$ 125,400	303	218	170	141	122	109
\$ 126,000	246	177	138	114	99	88	\$ 126,000	304	219	171	141	123	109
\$ 126,600	246	177	139	115	100	89	\$ 126,600	305	219	171	142	123	110
\$ 127,200	247	178	139	115	100	89	\$ 127,200	306	220	172	142	123	110
\$ 127,800	248	179	139	116	100	89	\$ 127,800	307	221	172	143	124	110
\$ 128,400	249	179	140	116	101	90	\$ 128,400	307	221	173	143	124	111
\$ 129,000	250	180	140	116	101	90	\$ 129,000	308	222	174	144	125	111
\$ 129,600	250	180	141	117	101	90	\$ 129,600	309	223	174	144	125	112
\$ 130,200	251	181	141	117	102	91	\$ 130,200	310	224	175	145	125	112
\$ 130,800	252	181	142	117	102	91	\$ 130,800	311	224	175	145	126	112
\$ 131,400	253	182	142	118	102	91	\$ 131,400	312	225	176	146	126	113
\$ 132,000	253	183	143	118	102	91	\$ 132,000	313	226	176	146	127	113
\$ 132,600	254	183	143	119	103	92	\$ 132,600	314	226	177	147	127	113
\$ 133,200	255	184	144	119	103	92	\$ 133,200	315	227	177	147	128	114
\$ 133,800	256	184	144	119	103	92	\$ 133,800	316	228	178	147	128	114
\$ 134,400	257	185	144	120	104	93	\$ 134,400	317	229	179	148	128	114
\$ 135,000	257	185	145	120	104	93	\$ 135,000	318	229	179	148	129	115
\$ 135,600	258	186	145	120	104	93	\$ 135,600	319	230	180	149	129	115
\$ 136,200	259	187	146	121	105	93	\$ 136,200	320	231	180	149	130	115
\$ 136,800	260	187	146	121	105	94	\$ 136,800	321	231	181	150	130	116

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\$ 137,400	261	188	147	122	105	94	\$ 137,400	322	232	181	150	130	116
\$ 138,000	261	188	147	122	106	94	\$ 138,000	323	233	182	151	131	117
\$ 138,600	262	189	148	122	106	95	\$ 138,600	324	233	182	151	131	117
\$ 139,200	263	189	148	123	106	95	\$ 139,200	325	234	183	152	132	117
\$ 139,800	264	190	149	123	107	95	\$ 139,800	326	235	184	152	132	118
\$ 140,400	264	191	149	123	107	95	\$ 140,400	327	236	184	153	132	118
\$ 141,000	265	191	149	124	107	96	\$ 141,000	328	236	185	153	133	118
\$ 141,600	266	192	150	124	108	96	\$ 141,600	329	237	185	153	133	119
\$ 142,200	267	192	150	124	108	96	\$ 142,200	330	237	186	154	133	119
\$ 142,800	267	193	151	125	108	97	\$ 142,800	330	238	186	154	134	119
\$ 143,400	268	193	151	125	109	97	\$ 143,400	331	239	187	155	134	120
\$ 144,000	269	194	151	125	109	97	\$ 144,000	332	239	187	155	135	120
\$ 144,600	269	194	152	126	109	97	\$ 144,600	333	240	188	156	135	120
\$ 145,200	270	195	152	126	109	98	\$ 145,200	334	241	188	156	135	121
\$ 145,800	271	195	153	127	110	98	\$ 145,800	335	241	189	156	136	121
\$ 146,400	272	196	153	127	110	98	\$ 146,400	336	242	189	157	136	121
\$ 147,000	272	196	154	127	110	98	\$ 147,000	337	243	190	157	136	122
\$ 147,600	273	197	154	128	111	99	\$ 147,600	337	243	190	158	137	122
\$ 148,200	274	197	154	128	111	99	\$ 148,200	338	244	191	158	137	122
\$ 148,800	274	198	155	128	111	99	\$ 148,800	339	245	191	159	138	123
\$ 149,400	275	198	155	129	112	99	\$ 149,400	340	245	192	159	138	123
\$ 150,000	276	199	156	129	112	100	\$ 150,000	341	246	192	159	138	123
\$ 150,600	277	199	156	129	112	100	\$ 150,600	342	246	193	160	139	124
\$ 151,200	277	200	156	130	112	100	\$ 151,200	343	247	193	160	139	124
\$ 151,800	278	200	157	130	113	101	\$ 151,800	344	248	194	161	139	124
\$ 152,400	279	201	157	130	113	101	\$ 152,400	345	248	194	161	140	125
\$ 153,000	279	201	158	131	113	101	\$ 153,000	345	249	195	162	140	125
\$ 153,600	280	202	158	131	114	101	\$ 153,600	346	250	195	162	140	125
\$ 154,200	281	203	159	131	114	102	\$ 154,200	347	250	196	162	141	126
\$ 154,800	282	203	159	132	114	102	\$ 154,800	348	251	197	163	141	126
\$ 155,400	282	204	159	132	115	102	\$ 155,400	349	252	197	163	142	126
\$ 156,000	283	204	160	132	115	102	\$ 156,000	350	252	198	164	142	127
\$ 156,600	284	205	160	133	115	103	\$ 156,600	351	253	198	164	142	127
\$ 157,200	285	205	161	133	116	103	\$ 157,200	352	254	199	165	143	127
\$ 157,800	285	206	161	134	116	103	\$ 157,800	353	255	199	165	143	128
\$ 158,400	286	206	162	134	116	104	\$ 158,400	354	255	200	166	144	128
\$ 159,000	287	207	162	134	117	104	\$ 159,000	355	256	201	166	144	128
\$ 159,600	288	208	163	135	117	104	\$ 159,600	356	257	201	167	145	129
\$ 160,200	289	208	163	135	117	105	\$ 160,200	357	257	202	167	145	129
\$ 160,800	289	209	164	136	118	105	\$ 160,800	358	258	202	168	145	130
\$ 161,400	290	209	164	136	118	105	\$ 161,400	359	259	203	168	146	130
\$ 162,000	291	210	165	136	118	105	\$ 162,000	360	260	203	169	146	130
\$ 162,600	292	211	165	137	119	106	\$ 162,600	361	260	204	169	147	131
\$ 163,200	293	211	165	137	119	106	\$ 163,200	362	261	205	170	147	131
\$ 163,800	293	212	166	138	119	106	\$ 163,800	363	262	205	170	147	131

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\$ 164,400	294	212	166	138	120	107	\$ 164,400	364	263	206	171	148	132
\$ 165,000	295	213	167	138	120	107	\$ 165,000	365	263	206	171	148	132
\$ 165,600	296	214	167	139	120	107	\$ 165,600	366	264	207	171	149	133
\$ 166,200	297	214	168	139	121	108	\$ 166,200	367	265	207	172	149	133
\$ 166,800	297	215	168	139	121	108	\$ 166,800	368	265	208	172	150	133
\$ 167,400	298	215	169	140	121	108	\$ 167,400	369	266	209	173	150	134
\$ 168,000	299	216	169	140	122	108	\$ 168,000	369	267	209	173	150	134
\$ 168,600	300	216	170	141	122	109	\$ 168,600	370	268	210	174	151	134
\$ 169,200	300	217	170	141	122	109	\$ 169,200	371	268	210	174	151	135
\$ 169,800	301	218	171	141	123	109	\$ 169,800	372	269	211	175	152	135
\$ 170,400	302	218	171	142	123	110	\$ 170,400	373	270	212	175	152	136
\$ 171,000	303	219	172	142	123	110	\$ 171,000	374	270	212	176	152	136
\$ 171,600	304	219	172	143	124	110	\$ 171,600	375	271	213	176	153	136
\$ 172,200	304	220	173	143	124	111	\$ 172,200	376	272	213	177	153	137
\$ 172,800	305	221	173	143	124	111	\$ 172,800	377	273	214	177	154	137
\$ 173,400	306	221	173	144	125	111	\$ 173,400	378	273	214	178	154	137
\$ 174,000	307	222	174	144	125	111	\$ 174,000	379	274	215	178	155	138
\$ 174,600	308	222	174	145	125	112	\$ 174,600	380	275	216	179	155	138
\$ 175,200	308	223	175	145	126	112	\$ 175,200	381	276	216	179	155	139
\$ 175,800	309	223	175	145	126	112	\$ 175,800	382	276	217	180	156	139
\$ 176,400	310	224	176	146	126	113	\$ 176,400	383	277	217	180	156	139
\$ 177,000	311	225	176	146	127	113	\$ 177,000	384	278	218	181	157	140
\$ 177,600	312	225	177	147	127	113	\$ 177,600	385	278	219	181	157	140
\$ 178,200	312	226	177	147	127	114	\$ 178,200	386	279	219	182	157	140
\$ 178,800	313	226	178	147	128	114	\$ 178,800	387	280	220	182	158	141
\$ 179,400	314	227	178	148	128	114	\$ 179,400	388	281	220	183	158	141
\$ 180,000	315	228	179	148	128	114	\$ 180,000	389	281	221	183	159	142
\$ 180,600	316	228	179	148	129	115	\$ 180,600	390	282	221	184	159	142
\$ 181,200	316	229	180	149	129	115	\$ 181,200	391	283	222	184	160	142
\$ 181,800	317	229	180	149	129	115	\$ 181,800	392	284	223	184	160	143
\$ 182,400	318	230	181	150	130	116	\$ 182,400	393	284	223	185	160	143
\$ 183,000	319	231	181	150	130	116	\$ 183,000	394	285	224	185	161	143
\$ 183,600	319	231	181	150	130	116	\$ 183,600	395	286	224	186	161	144
\$ 184,200	320	232	182	151	131	117	\$ 184,200	396	286	225	186	162	144
\$ 184,800	321	232	182	151	131	117	\$ 184,800	397	287	226	187	162	145
\$ 185,400	322	233	183	152	131	117	\$ 185,400	398	288	226	187	163	145
\$ 186,000	323	233	183	152	132	118	\$ 186,000	399	289	227	188	163	145
\$ 186,600	323	234	184	152	132	118	\$ 186,600	400	289	227	188	163	146
\$ 187,200	324	235	184	153	132	118	\$ 187,200	401	290	228	189	164	146
\$ 187,800	325	235	185	153	133	118	\$ 187,800	402	291	228	189	164	146
\$ 188,400	326	236	185	153	133	119	\$ 188,400	402	291	229	190	164	147
\$ 189,000	326	236	185	154	133	119	\$ 189,000	403	292	229	190	165	147
\$ 189,600	327	236	186	154	133	119	\$ 189,600	404	292	230	190	165	147
\$ 190,200	327	237	186	154	134	119	\$ 190,200	404	293	230	191	165	147
\$ 190,800	328	237	186	154	134	119	\$ 190,800	405	293	230	191	166	148

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\$ 191,400	328	238	187	155	134	120	\$ 191,400	406	294	231	191	166	148
\$ 192,000	329	238	187	155	134	120	\$ 192,000	406	294	231	191	166	148
\$ 192,600	329	238	187	155	135	120	\$ 192,600	407	295	231	192	166	148
\$ 193,200	330	239	187	155	135	120	\$ 193,200	408	295	232	192	167	149
\$ 193,800	330	239	188	156	135	120	\$ 193,800	408	296	232	192	167	149
\$ 194,400	331	239	188	156	135	121	\$ 194,400	409	296	232	193	167	149
\$ 195,000	331	240	188	156	135	121	\$ 195,000	410	296	233	193	167	149
\$ 195,600	332	240	189	156	136	121	\$ 195,600	410	297	233	193	168	149
\$ 196,200	333	241	189	157	136	121	\$ 196,200	411	297	234	194	168	150
\$ 196,800	333	241	189	157	136	121	\$ 196,800	412	298	234	194	168	150
\$ 197,400	334	241	190	157	136	121	\$ 197,400	412	298	234	194	168	150
\$ 198,000	334	242	190	157	136	122	\$ 198,000	413	299	235	195	169	150
\$ 198,600	335	242	190	158	137	122	\$ 198,600	414	299	235	195	169	151
\$ 199,200	335	242	190	158	137	122	\$ 199,200	414	300	235	195	169	151
\$ 199,800	336	243	191	158	137	122	\$ 199,800	415	300	236	195	169	151
\$ 200,400	336	243	191	158	137	122	\$ 200,400	416	301	236	196	170	151
\$ 201,000	337	244	191	159	138	123	\$ 201,000	416	301	237	196	170	152
\$ 201,600	337	244	192	159	138	123	\$ 201,600	417	302	237	196	170	152
\$ 202,200	338	244	192	159	138	123	\$ 202,200	418	302	237	197	171	152
\$ 202,800	338	245	192	159	138	123	\$ 202,800	418	303	238	197	171	152
\$ 203,400	339	245	193	160	138	123	\$ 203,400	419	303	238	197	171	153
\$ 204,000	340	246	193	160	139	124	\$ 204,000	420	304	238	198	171	153
\$ 204,600	340	246	193	160	139	124	\$ 204,600	420	304	239	198	172	153
\$ 205,200	341	246	193	160	139	124	\$ 205,200	421	305	239	198	172	153
\$ 205,800	341	247	194	161	139	124	\$ 205,800	422	305	239	198	172	153
\$ 206,400	342	247	194	161	139	124	\$ 206,400	422	305	240	199	172	154
\$ 207,000	342	247	194	161	140	125	\$ 207,000	423	306	240	199	173	154
\$ 207,600	343	248	195	161	140	125	\$ 207,600	424	306	241	199	173	154
\$ 208,200	343	248	195	162	140	125	\$ 208,200	424	307	241	200	173	154
\$ 208,800	344	249	195	162	140	125	\$ 208,800	425	307	241	200	173	155
\$ 209,400	344	249	195	162	141	125	\$ 209,400	426	308	242	200	174	155
\$ 210,000	345	249	196	162	141	125	\$ 210,000	426	308	242	201	174	155
\$ 210,600	345	250	196	163	141	126	\$ 210,600	427	309	242	201	174	155
\$ 211,200	346	250	196	163	141	126	\$ 211,200	428	309	243	201	174	156
\$ 211,800	346	251	197	163	141	126	\$ 211,800	428	310	243	202	175	156
\$ 212,400	347	251	197	163	142	126	\$ 212,400	429	310	244	202	175	156
\$ 213,000	348	251	197	163	142	126	\$ 213,000	430	311	244	202	175	156
\$ 213,600	348	252	198	164	142	127	\$ 213,600	430	311	244	202	176	157
\$ 214,200	349	252	198	164	142	127	\$ 214,200	431	312	245	203	176	157
\$ 214,800	349	252	198	164	142	127	\$ 214,800	432	312	245	203	176	157
\$ 215,400	350	253	198	164	143	127	\$ 215,400	432	313	245	203	176	157
\$ 216,000	350	253	199	165	143	127	\$ 216,000	433	313	246	204	177	157
\$ 216,600	351	254	199	165	143	128	\$ 216,600	434	314	246	204	177	158
\$ 217,200	351	254	199	165	143	128	\$ 217,200	434	314	246	204	177	158
\$ 217,800	352	254	200	165	143	128	\$ 217,800	435	314	247	205	177	158

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CHAPTER 6 - CHILD SUPPORT GUIDELINES

\$ 218,400	352	255	200	166	144	128	\$ 218,400	436	315	247	205	178	158
\$ 219,000	353	255	200	166	144	128	\$ 219,000	436	315	248	205	178	159
\$ 219,600	353	256	201	166	144	129	\$ 219,600	437	316	248	205	178	159
\$ 220,200	354	256	201	166	144	129	\$ 220,200	438	316	248	206	178	159
\$ 220,800	355	256	201	167	145	129	\$ 220,800	438	317	249	206	179	159
\$ 221,400	355	257	201	167	145	129	\$ 221,400	439	317	249	206	179	160
\$ 222,000	356	257	202	167	145	129	\$ 222,000	440	318	249	207	179	160
\$ 222,600	356	257	202	167	145	129	\$ 222,600	440	318	250	207	180	160
\$ 223,200	357	258	202	168	145	130	\$ 223,200	441	319	250	207	180	160
\$ 223,800	357	258	203	168	146	130	\$ 223,800	442	319	251	208	180	161
\$ 224,400	358	259	203	168	146	130	\$ 224,400	442	320	251	208	180	161
\$ 225,000	358	259	203	168	146	130	\$ 225,000	443	320	251	208	181	161
\$ 225,600	359	259	204	169	146	130	\$ 225,600	444	321	252	209	181	161
\$ 226,200	359	260	204	169	146	131	\$ 226,200	444	321	252	209	181	161
\$ 226,800	360	260	204	169	147	131	\$ 226,800	445	322	252	209	181	162
\$ 227,400	360	260	204	169	147	131	\$ 227,400	446	322	253	209	182	162
\$ 228,000	361	261	205	170	147	131	\$ 228,000	446	323	253	210	182	162
\$ 228,600	361	261	205	170	147	131	\$ 228,600	447	323	253	210	182	162
\$ 229,200	362	262	205	170	148	132	\$ 229,200	448	323	254	210	182	163
\$ 229,800	363	262	206	170	148	132	\$ 229,800	448	324	254	211	183	163
\$ 230,400	363	262	206	171	148	132	\$ 230,400	449	324	255	211	183	163
\$ 231,000	364	263	206	171	148	132	\$ 231,000	450	325	255	211	183	163
\$ 231,600	364	263	206	171	148	132	\$ 231,600	450	325	255	212	183	164
\$ 232,200	365	264	207	171	149	133	\$ 232,200	451	326	256	212	184	164
\$ 232,800	365	264	207	172	149	133	\$ 232,800	452	326	256	212	184	164
\$ 233,400	366	264	207	172	149	133	\$ 233,400	452	327	256	212	184	164
\$ 234,000	366	265	208	172	149	133	\$ 234,000	453	327	257	213	185	165
\$ 234,600	367	265	208	172	149	133	\$ 234,600	454	328	257	213	185	165
\$ 235,200	367	265	208	173	150	133	\$ 235,200	454	328	257	213	185	165
\$ 235,800	368	266	209	173	150	134	\$ 235,800	455	329	258	214	185	165
\$ 236,400	368	266	209	173	150	134	\$ 236,400	455	329	258	214	186	165
\$ 237,000	369	267	209	173	150	134	\$ 237,000	456	330	259	214	186	166
\$ 237,600	370	267	209	174	151	134	\$ 237,600	457	330	259	215	186	166
\$ 238,200	370	267	210	174	151	134	\$ 238,200	457	331	259	215	186	166
\$ 238,800	371	268	210	174	151	135	\$ 238,800	458	331	260	215	187	166
\$ 239,400	371	268	210	174	151	135	\$ 239,400	459	332	260	216	187	167
\$ 240,000	372	269	211	175	151	135	\$ 240,000	459	332	260	216	187	167

CHAPTER 7 - IMPLEMENTATION OF CHILD SUPPORT GUIDELINES

CHAPTER 7 - IMPLEMENTATION OF CHILD SUPPORT GUIDELINES

1. IMPUTATION OF INCOME BASED UPON VOLUNTARY UNEMPLOYMENT OR VOLUNTARY UNDEREMPLOYMENT (19A MRSA § 2001[5][D])

- A. Imputation of income pursuant to 19A MRSA §2001(5)(D) shall not be made except upon the basis of evidence in the record as to those factors which, in the circumstances of the parent, constitute his effective earning capability. Such factors may include but are not limited to: prevailing work-availability conditions in the job market within the commuting range of the parent's residence or of a residence to which he might reasonably be expected to move for the purpose of supporting his children; training and education of the parent; prior employment history of the parent; actual availability of the parent for employment.
- B. A responsible parent shall have the right to assert that the other parent is voluntarily unemployed or voluntarily underemployed and the right to present evidence to support such assertion. Evidence to support this assertion must meet the requirements and criteria of sub-section (A). If the responsible parent makes and presents evidence in support of such an assertion, a request by the Division for a continuance to enable it to rebut the responsible parent's evidence on this issue shall be granted. The Division shall not be required, as part of its case in chief, to establish that the other parent is not voluntarily unemployed or is not voluntarily underemployed.
- C. The Division shall have the right to assert that the responsible parent is voluntarily unemployed or voluntarily underemployed and the right to present evidence to support such assertion. Evidence to support this assertion must meet the requirements and criteria of sub-section (A). If the Division makes and presents evidence in support of such an assertion, a request by the responsible parent for a continuance to enable him to rebut the Division's evidence on this issue shall be granted. A responsible parent shall have no obligation to establish that he is not voluntarily unemployed or that he is not voluntarily underemployed.

2. RESPONSIBLE PARENT ANNUAL GROSS INCOME OF LESS THAN FEDERAL POVERTY INCOME GUIDELINES

The total weekly support obligation of a responsible parent whose annual gross income is less than the federal poverty income guidelines for one person shall be 10% of his weekly gross income for all the children for whom a support award is being established or modified, regardless of the amount of the combined annual gross income of the responsible parent and the other parent.

CHAPTER 7 - IMPLEMENTATION OF CHILD SUPPORT GUIDELINES

3. SUBSISTENCE NEEDS OF A RESPONSIBLE PARENT (19A MRSA § 2006[5][C])

- A. The term "federal poverty guideline" (19A MRSA § 2006[5][C]), for the purpose of a determination under 19A MRSA § 2006(5)(C), shall be deemed to refer to the federal poverty income guideline for one person.
- B. "Basic necessities" (22 MRSA § 4301[1]), for the purpose of a determination under 19A MRSA § 2006(5)(C), refers to and includes two categories of basic necessities:
 - 1. Food, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs and telephone where it is necessary for medical reasons. These are basic necessities regardless of whether or not the responsible parent is receiving or has applied for General Assistance. The cost of these basic necessities, for the purpose of a determination under 19A MRSA § 2006(5)(C), shall be the lesser of the following: 1) the monies actually expended for them or the maximum level of assistance for them as adopted by the Maine municipality in which the responsible parent resides (or in which the primary care provider resides, if the responsible parent does not reside in Maine) pursuant to 22 MRSA § 4305(3-A); or 2) the monies authorized for them by the overseer of the Maine municipality in which the responsible parent resides.
 - 2. Any other commodity or service that has been determined essential by the overseer of the Maine municipality in which the responsible parent resides in connection with an application for General Assistance by the responsible parent. The cost of these basic necessities, for the purpose of a determination under 19A MRSA § 2006(5)(C), shall be the monies authorized by the overseer for them.
- C. The responsible parent has the burden to present evidence that the responsible parent's income is insufficient to meet work-related expenses and other basic necessities as defined in 22 MRSA § 4301(1). If the responsible parent presents evidence in support of such an assertion, a request by the Division for a continuance to enable it to rebut the responsible parent's evidence shall be granted.
- D. Subsection C. does not limit the role, authority or responsibility of a hearing officer under Regulation V(D)(d) and Regulation V(D)(f) of the Department's Administrative Hearings Manual.

4. DEVIATION FROM SUPPORT GUIDELINES (19A MRSA § 2007)

- A. A party shall not be required to establish the non-existence of any of the considerations set forth in 19A MRSA § 2007(3). A party seeking deviation from the support guidelines shall have the burden of overcoming the presumption (19A MRSA § 2005 and § 2007[1]) that the parental support obligation derived from the support guidelines is equitable and just. To meet this burden a party must present evidence satisfying the criteria set forth in 19A MRSA § 2007(3). If a party presents

CHAPTER 7 - IMPLEMENTATION OF CHILD SUPPORT GUIDELINES

evidence in support of a deviation, a request by the other party for a continuance to enable it to oppose the proposed deviation shall be granted. A party proposing deviation from the application of the support guidelines shall provide written proposed findings showing that the application of the presumptive amount would be inequitable or unjust.

- B. Nothing in subsection A. is intended to affect the role, authority or responsibility of a hearing officer under Regulation V(D)(d) and Regulation V(D)(f) of the Department's Administrative Hearings Manual.

5. FINDINGS AND DECISIONS PURSUANT TO 19A MRSA § 2006(8)(F)

If a finding be made under 19A MRSA § 2007(1), it shall be part of the written decision which establishes or modifies the child support award. In addition to the other requirements for decisions establishing or modifying child support awards, a decision establishing or modifying a child support award under 19A MRSA § 2007 shall include a statement of:

- A. The amount of support that would have been required under 19A MRSA § 2006; and
- B. How the decision varies from the support guidelines, including:
 - 1. the justification of how the finding serves the best interests of the child(ren); and,
 - 2. in cases where items of value are conveyed in lieu of a portion of the child support presumed under the support guidelines, the estimated value of items conveyed.

6. COMPILATION OF SUPPORT AWARD DATA

The Office of Administrative Hearings shall, on a monthly basis:

- A. Gather and analyze data regarding the number of cases in which the support guidelines have been applied (i.e., in which child support awards have been established under 19A MRSA § 2006), the number and identity of cases in which there has been a deviation from the guidelines pursuant to 19A MRSA § 2007, and the reasons for such deviations, and shall furnish such data and analyses to the Division for its use in the State's quadrennial review of the support guidelines required by 42 USC § 667(b); and
- B. Identify for the Division those cases in which a responsible parent's support obligation is determined by Section 2 of this chapter or is limited by the provisions of 19A MRSA § 2006(5)(C), to enable the Division to qualify its computer database of generic deviations from the support guidelines as a validating mechanism for the data described in subsection A.

7. FORMULATION AND ROUNDING OFF OF CHILD SUPPORT OBLIGATIONS

CHAPTER 7 - IMPLEMENTATION OF CHILD SUPPORT GUIDELINES

Every child support obligation shall be established as a weekly child support obligation per child. Also a decision establishing or modifying a child support award shall set forth the total weekly support obligation of the responsible parent. Obligation amounts shall be rounded off to the nearest whole dollar.

8. COMPLIANCE WITH 19A MRSA § 2006(7)

Compliance with the requirements of paragraphs A. through G. of subsection 7 of 19A MRSA § 2006 shall constitute compliance with 19A MRSA § 2006(7).

9. COMPLIANCE WITH 19A MRSA § 2006(8)

- A. The "amount for basic support entitlements" (19A MRSA § 2006[8][C][1]) shall be expressed per week at the appropriate age category over or under 12-years-of-age).
- B. The "amount for child care costs" (19A MRSA § 2006[8][C][2]) shall be expressed as the per week cost for each child for whom they are paid.
- C. The "amount for extraordinary medical expenses and health insurance "(19A MRSA § 2006[8][C][3]) shall be expressed as the per week cost for each child for whom they are paid.
- D. The "specific sum to be paid depending on the number of minor children remaining with the primary care provider" (19A MRSA § 2006[8][E]) shall be expressed as the per child per week basic support obligation of the responsible parent. This sum shall be derived from the basic support entitlement. The basic support entitlement is a function of the number of minor children remaining with the primary care provider.

10. AUTOMATIC ADJUSTMENTS (19A MRSA § 1653[13]); PROSPECTIVE CHILD SUPPORT AWARDS (19A MRSA § 2006[6])

A decision establishing or amending a child support award for a child under the age of 12 shall also establish a prospective award for the child as a 12-year old, such award to become effective on the child's 12th birthday without need of a further decision. The decision establishing or amending such prospective award shall so provide.

CHAPTER 7 - IMPLEMENTATION OF CHILD SUPPORT GUIDELINES

11. AUTOMATIC ADJUSTMENTS UNDER 19A MRSA § 2006(8)(E)

A decision establishing or amending a child support award in a proceeding in which all the children are over the age of 12 and which establishes basic weekly child support obligations for a decreasing number of children remaining with the primary care provider shall provide for such prospective support obligations to become effective without need of a further decision as each successively lower number of such children is reached.

12. TERMINATION OF OBLIGATION FOR DAY-CARE COSTS

A responsible parent's obligation for day care costs for a child under the age of 12 years (19A MRSA § 2006[3][A]) ordered pursuant to an administrative decision shall terminate automatically upon a child reaching the age of 12 years. The weekly child support obligation shall automatically reduce by the amount of such terminated obligation without need of an additional decision. A decision establishing or amending such an obligation shall so provide.

13. DEPARTMENT'S RULE FOR PROVISION OF INFORMATION NECESSARY TO APPLY THE SUPPORT GUIDELINES PURSUANT TO 19A MRSA § 2004(2)

Information necessary to apply the support guidelines (see 19A MRSA § 2004[2]) shall be provided by the parties in accordance with existing practice and as permitted or as required by Departmental rule, as in effect on April 16, 1990 and as thereafter and hereafter amended.

CHAPTER 8 - ADMINISTRATIVE ESTABLISHMENT OF CHILD SUPPORT OBLIGATIONS

CHAPTER 8 - ADMINISTRATIVE ESTABLISHMENT OF CHILD SUPPORT OBLIGATIONS

1. STATUTORY AUTHORITY

The Department is authorized to establish child support obligations administratively by 19A MRSA § 2304.

2. AVAILABILITY AND SCOPE OF PROCEEDING

When a court order of support has not been established, the Department may establish the responsible parent's current parental support obligation, debt for past necessary support (including medical expenses) and/or obligation to maintain health insurance coverage for the dependent child or children. The Department may proceed on its own behalf or on behalf of another state, another state's instrumentality, an individual or governmental applicant for services under 19A MRSA §2103 or a person who is otherwise entitled to support enforcement services under federal law (see 4.6, p. 13). The Department acting on behalf of another state, another state's instrumentality or a person residing in another state constitutes good cause within the meaning of 5 MRSA §9057(5). Notwithstanding any other provision of law, a parental support obligation established under this chapter continues beyond the child's 18th birthday, if the child is attending secondary school as defined in 20-A MRSA §1, until the child graduates, withdraws, is expelled or attains 19 years of age, whichever occurs first. For purposes of this chapter, "debt for past necessary support" includes a debt owed to the Department under 19A MRSA §2301(1)(A), a debt owed under 19A MRSA §2103(6) and a debt that accrues under 19A MRSA §§ 1553 and 1504.

3. COURT ORDER OF SUPPORT

"Court order of support", as used in section 2, means a "court order of support" as defined by 19A MRSA § 2101(13). "Court order of support" does not include:

- A. A protection from abuse or similar such order that does not address the issue of support; and
- B. A protection from abuse or similar such order that has expired.

The above mentioned examples are for clarification only and not meant to be an exhaustive list of all orders that are not court orders of support. The intent is to not issue a support order when a court has taken jurisdiction over the issue.

The existence of an order described in this section does not prevent the Department from establishing a child support obligation administratively.

CHAPTER 8 - ADMINISTRATIVE ESTABLISHMENT OF CHILD SUPPORT OBLIGATIONS

4. NOTICE OF INTENTION TO ESTABLISH A SUPPORT ORDER

To begin an administrative proceeding to establish a support order, the Department shall serve the responsible parent with a notice and blank Statement of Resources form. A copy of the notice and a blank Statement of Resources shall be sent by regular mail to the custodial parent. The notice must state the following:

- A. The names of both parents and the names of the dependent child or children;
- B. The Department's intention to establish a support order, which may include a periodic payment for current support, a debt for past necessary support including medical expenses and an obligation to provide health insurance coverage;
- C. That the responsible parent must submit a completed Income Affidavit to the Department within 30 days;
- D. That the Department calculates a proposed support order based on the State's child support guidelines using all available information and, if there is a lack of sufficient reliable information about a parent's actual earnings for a current or past period, the Department presumes for the purpose of establishing a current support obligation or a debt for past necessary support that the responsible parent has or had an earning capacity equal to the average weekly wage as determined by Department of Labor statistics for the applicable years;
- E. That the Department sends to the responsible parent by regular mail a copy of the proposed support order and the Department's child support worksheet;
- F. That the responsible parent may request a hearing in writing within 30 days of the date of mailing of the proposed support order;
- G. That if the Department does not receive a timely request for hearing, it issues a decision that incorporates the findings of the proposed support order and sends a copy of the decision to both parents by regular mail; and
- H. That, after a decision is issued, the Department may enforce the decision by any lawful means, including immediate income withholding, lien and foreclosure, administrative seizure and disposition, order to withhold and deliver and tax refund intercept.
- I. If a debt for past necessary support is established, the Department may report the responsible parent and the amount of the debt to a consumer credit reporting agency.

CHAPTER 8 - ADMINISTRATIVE ESTABLISHMENT OF CHILD SUPPORT OBLIGATIONS

5. NOTICE OF PROPOSED SUPPORT ORDER

After serving notice upon the responsible parent as provided by section 4, and after more than 30 days have elapsed, the Department shall calculate the responsible parent's current parental support obligation and debt for past necessary support as provided by section 8. Based on its calculations under the support guidelines, the Department shall issue a proposed support order. The proposed support order must include the Department's calculations and state the amount of the responsible parent's current parental support obligation and debt for past necessary support, including medical expenses, and must state the responsible parent's obligation to provide health insurance coverage for the dependent child or children and pay a proportionate share of uninsured medical expenses. The Department shall send a copy of the proposed support order to the responsible parent and to the custodial parent by regular mail along with a copy of the Department's child support worksheet. The proposed order must be accompanied by a notice that states:

- A. That the responsible parent has the right to request a hearing within 30 days of the date of mailing of the proposed support order and that if a hearing is requested, the Department will send the responsible parent a notice of hearing by regular mail at least 30 days before the date of the hearing, along with a statement of the hearing rights described in section 7;
- B. That if the Department does not receive a timely request for hearing, the Department will issue a decision that incorporates the findings of the proposed support order into the Department's decision and send a copy of the decision to both parents by regular mail;
- C. That if the Department issues a decision that establishes a responsible parent's support obligation, the Department may enforce the decision by any lawful means, including immediate income withholding, lien and foreclosure, administrative seizure and disposition, order to withhold and deliver, license revocation, unemployment intercept and tax refund intercept; and
- D. That if the Department establishes a debt for past necessary support, the Department may report the responsible parent and the amount of that debt to a consumer credit reporting agency.

6. RIGHT TO HEARING

The responsible parent may request an administrative hearing within 30 days of the date of mailing of the notice described in section 5. A request for hearing must be in writing. If the responsible parent delivers the request to the Division, it must be received within 30 days of the date of mailing of the notice. If the request is mailed, the postmark date on the envelope must be within 30 days of the date of mailing of the notice. A request for hearing is deemed timely if the 30th day after the date of mailing is a weekend, holiday or other non-business day for the Department and the request is received by the Division or postmarked on the next business day.

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7. NOTICE OF HEARING

If the responsible parent makes a proper and timely request for a hearing, the Division shall send the responsible parent a notice of hearing by regular mail. The Division shall send the notice at least 30 days before the date of the hearing. The notice must tell the responsible parent the date, time and place of the hearing. The notice also must state the following:

- A. The responsible parent's hearing rights as described in section 8;
- B. That if the responsible parent does not appear at the hearing, the Division will issue a decision that incorporates the terms of the proposed support order;
- C. That if a support obligation is established, the responsible parent's property may be subject to immediate income withholding, lien and foreclosure, administrative seizure and disposition, order to withhold and deliver, license revocation, unemployment intercept and other collection actions and that, if a debt for past necessary support is established, the Department may report the responsible parent and the amount of the debt to a consumer credit reporting agency; and
- D. That if the responsible parent is ordered to maintain health insurance coverage and does not do so, the responsible parent may be held liable for all medical expenditures made by the Department or the custodial parent on behalf of the dependent child or children.

8. HEARING

The Department shall conduct the hearing according to rules adopted by the Commissioner. The purpose of the hearing is to determine the nature and extent of the alleged responsible parent's child support obligation, if any, for the dependent child or children named in the notice issued under section 4. The responsible parent may present evidence and testimony, cross-examine witnesses and contest the evidence relied on by the Division. The responsible parent may represent himself or herself at the hearing or may be represented by an attorney or other person. In rendering a decision, the Department may only consider evidence that is part of the hearing record.

9. HOW THE SUPPORT OBLIGATION IS DETERMINED

- A. Current parental support obligation.** A current parental support obligation is established in accordance with the support guidelines, unless the amount of the obligation is established pursuant to 19A MRSA §2007.
- B. Obligation to maintain health insurance coverage.** If it is determined that health insurance coverage is available to the responsible parent at reasonable cost, the Department must establish an obligation on the part of the responsible parent to provide health insurance coverage for the dependent child or children, effective

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immediately. Health insurance coverage is considered reasonable in cost when it is employer-related or other group health insurance. If it is determined that health insurance coverage is not available at reasonable cost, the Department must establish an obligation on the part of the responsible parent to obtain health insurance coverage as soon as it becomes available at reasonable cost.

C. Obligation to pay past necessary support. The amount of a responsible parent's debt for past necessary support is established by applying the most current child support guidelines to the period(s) for which the custodial parent or the Department is entitled to support.

- 1. To whom owed.** A debt for past necessary support may be owed to the Department, to a custodial parent, to another state, or to any other person (as defined by 19A MRSA §101(6)) who has provided necessary support for the child or children.
- 2. Assignment of rights.** Individuals who receive TANF from the Department, or received AFDC, assign all support rights to the Department pursuant to 19A MRSA § 2369, as required by 42 U.S.C. § 602(a)(26)(A) and 45 C.F.R. § 233. The Division may attempt to establish a debt for past necessary support for any period for which support rights have been assigned to the Department. The Department shall distribute collections from debts for past necessary support that are assigned to the Department pursuant to 19A MRSA § 2401, to the extent permitted by 42 U.S.C. § 657(b)(4) and 45 C.F.R. § 302.51.
- 3. Limitation of debt.** A debt may only be established for periods in which no court order of support exists and may only be established for the six year period preceding service of the Notice required by section 4.
- 4. TANF overpayments.** If the responsible parent is liable to repay an AFDC or TANF overpayment to the Department because he or she was not absent from the home, the Department shall not obligate the responsible parent to repay past necessary support for the same period covered by the overpayment.
- 5. Qualified medical expenses.** As part of the responsible parent's debt for past necessary support, the Division may establish a debt owed by the responsible parent for medical expenses. The amount of a responsible parent's debt for medical expenses is determined by multiplying the total of all qualified medical expenses (see Chapter 2 for the definition of "Qualified medical expense") for a given year by the responsible parent's percentage share of the total support obligation (as defined by 19A MRSA § 2001(10)) for the same year. The responsible parent's total debt for medical expenses is the sum of the medical debt for each year.

The responsible parent's net medical debt is the difference between the total medical debt and monies that the responsible parent is entitled to receive credit for. In order to receive credit, the responsible parent must document that he or

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his insurer have paid all or part of the qualified medical expenses that comprise the total medical debt. Credit is limited to the actual amount paid.

- D. Lack of information about present or past income; Department of Labor statistics.** If a responsible parent who has been served a Notice under section 4 does not provide evidence of his or her income, and there is a lack of sufficient reliable information about the responsible parent's present or past income, the Department must presume for the purpose of calculating a current support obligation and/or a debt for past necessary support that the responsible parent has and/or had an earning capacity equal to the average weekly wage of a worker within this State for the applicable years as determined by the Department of Labor statistics published by the Department of Labor each year. The Department may conclude for the purpose of calculating a current support obligation and/or a debt for past necessary support that the responsible parent's income for the applicable years is greater or less than the average weekly wage if there is sufficient reliable evidence to reasonably conclude that the responsible parent had a greater or lesser actual income.
- E. Credits.** Whenever a debt for past necessary support is established, the Division shall subtract the aggregate of the credits set forth in paragraph 1 to which the responsible parent has established his entitlement. The remainder is the responsible parent's net debt for past necessary support, which is the responsible parent's debt accrued under 19A MRSA §§ 1553, 2103(6) and/or 2301, as applicable.
1. Authorized credits.
 - i. Monies received by the Department and posted against the responsible parent's obligation or debt for the period(s) for which the debt was established.
 - ii. Monies paid by the responsible parent to the custodial parent as payment of or in lieu of child support during the period(s) for which the custodial parent or the Department claims support is owed (but, no credit is allowed for payments made after the Division has notified the responsible parent that in order to receive credit, support payments must be made directly to the Division.
 - iii. Utilitarian things of value, other than money, given by the responsible parent to the custodial parent or the children, as or in lieu of child support, during the period(s) for which the custodial parent or the Department claims support is owed (but, no credit is allowed after the Division has notified the responsible parent, in writing, that in order to receive credit, he must send his support payments directly to the Division. "Utilitarian things of value", as

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used in this sub-§, includes that portion of the fair market rental value of a residence in which the custodial parent and the child(ren) have resided which is allocable to the responsible parent's portion of ownership of the residence).

- iv. No other credits are authorized (including any credit for a period of time during which the child(ren) of the responsible parent has/have visited with him).

2. Establishment of entitlement to credits.

- i. The burden of coming forward with evidence to establish the credits authorized by the Manual rests solely upon the responsible parent.
- ii. In order to receive credit for monies paid out but not received by the custodial parent, the responsible parent must demonstrate that the payment made was for the specific purpose of child support.
- iii. No payment of taxes, principal, or interest on a mortgage, or of taxes, principal, or interest on any other asset may be allowed as a credit if the responsible parent has sole title to the same mortgage or asset, or if the responsible parent has title with a person or persons other than the custodial parent.
If any such asset is owned jointly by the responsible parent and the custodial parent, the credit for such payments may not exceed a percentage equal to the custodial parent's percentage share of ownership, title, or equity of or in the asset. Such payments, with respect to real property, can qualify for credit only with respect to the residence in which the custodial parent and the dependent child(ren) are actually living. The only other asset with respect to which such payment can qualify, is for a motor vehicle that is in operating condition and is in the possession of the custodial parent.
- iv. In connection with things of value other than monies that have been given to a custodial parent or the child(ren) as or in lieu of child support, the responsible parent must come forward with evidence of specific things given and proof of payment for, or proof of market values of the things given so that their value may be ascertained with reasonable certitude and calculated in a rational, informed manner.

3. **No credit after notice to pay the Department directly.** The responsible parent is not entitled to credit for monies or things of utilitarian value given to the

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custodial parent after the responsible parent is notified in writing that credit will be given only for monies paid directly to the Department.

10. DECISION

- A. If a hearing is held, the Department shall render a decision based on the hearing record and applicable state laws and rulemaking. If the responsible parent does not appear at the hearing, the Department shall issue a decision that incorporates the findings of the proposed support order. If the responsible parent does not request a hearing in a timely manner, the Division shall issue a decision that incorporates the findings of the proposed support order. The Department shall send a copy of the decision to both parents by regular mail. Service is complete upon mailing and the parents are presumed to have received the decision within three (3) days of mailing. The Department shall send the copies to the last known address of each parent. The decision must establish and state:
1. The responsible parent's duty to provide support, the amount of the current parental support obligation, the amount of any debt for past necessary support including medical expenses, the obligation of the responsible parent to maintain health insurance coverage for the dependent child or children and pay a proportionate share of uninsured medical expenses, and that the responsible parent must provide written proof to the Department of health insurance coverage that is required by the decision within 15 days of the responsible parent's receipt of the decision;
 2. If an obligation for current support is established, an order for immediate income withholding is issued and made a part of the decision;
 3. Thirty days after the decision is issued, the Department may enforce the decision by any lawful means, including lien and foreclosure, administrative seizure and disposition, order to withhold and deliver, license revocation, unemployment intercept and tax refund intercept. If a decision includes an immediate income withholding order, the Department may implement the withholding order to collect current support immediately after the decision is issued. If a debt for past necessary support is established, the department may report the responsible parent and the amount of the debt to a consumer credit reporting agency;
 4. That if the responsible parent does not maintain health insurance coverage when required to do so by the Department, the responsible parent may be held liable for all medical expenditures made by the Department or the custodial parent on behalf of the dependent child or children;
 5. If the responsible parent is ordered to pay child support, the responsible parent must inform the Department of any changes in the responsible parent's current address or employer within 15 days, and that failure to report such changes within 15 days is a civil violation for which a forfeiture not to exceed \$200 may be adjudged for each violation; and

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6. The decision must inform the responsible parent that, if the responsible parent appeared at the hearing, that parent may appeal the decision within 30 days of the date of mailing of the decision by requesting the Department to hold an administrative review hearing.
- B. If a hearing is held, when deciding the amount of the current parental support obligation, the debt for past necessary support and the availability of health insurance coverage, the official conducting the hearing shall consider the following criteria:
 1. The child's or children's needs;
 2. The responsible parent's income and real and personal property;
 3. The responsible parent's ability to borrow;
 4. The responsible parent's ability to earn;
 5. The responsible parent's needs;
 6. Whether the responsible parent has a duty to support other dependents. In any case, the child or children for whom support is sought must benefit as much as any other dependent from the income and resources of the responsible parent;
 7. Whether the responsible parent has voluntarily incurred subsequent obligations that have reduced that parent's ability to pay support. This condition does not relieve the responsible parent of the duty to provide support;
 8. Whether employer-related or other group health insurance coverage is available to the responsible parent; and
 9. Whether the responsible parent's existing health insurance coverage may be extended to include the dependent child or children.

11. COLLECTION ACTION

The Division may initiate collection action 30 days after the date of mailing of the decision. If the decision includes an immediate income withholding order, the Division will implement the withholding order to collect current support immediately after the decision is issued.

12. RIGHT TO APPEAL

A responsible parent or the Department may appeal a decision after hearing within 30 days of when the responsible parent receives the decision, provided that the responsible parent appeared at the hearing. The responsible parent is presumed to have received the decision within 3 days of the date of mailing. An appeal is made by

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submitting a review affidavit to the Division that explains the reasons for the appeal. Review affidavit forms are provided by the Division upon request. A responsible parent who did not appear at the hearing may request the Department to set aside the decision for good cause shown, subject to the provisions of section 13.

13. REQUEST TO SET ASIDE

Within one year of the mailing of the decision, the responsible parent may request the Department to set aside the decision if the responsible parent shows good cause why the responsible parent did not request a hearing or did not appear at a hearing and presents a meritorious defense to the decision. Examples of good cause for failure to appear and failure to request a hearing include mistake, inadvertence, excusable neglect, lack of jurisdiction, and inadequate notice. A request to set aside a decision must be in writing and must include a written statement that explains the specific reasons for the request. When the Division receives a timely request to set aside a decision, the Division shall issue the responsible parent a Notice of Hearing as provided by 12.6(B).

If the responsible parent establishes good cause for failure to appear at the hearing, the Department shall proceed, if appropriate, to take evidence for the purpose of establishing the responsible parent's support obligations for the period or periods in question.

If the responsible parent does not establish good cause for failure to appear at the hearing, the Department shall proceed as in an amendment hearing to determine whether to amend the decision prospectively based on a substantial change of circumstances.

If the responsible parent has not provided the Division with adequate notice in advance of the hearing of the reasons for the request to set aside the decision, the Department shall grant the Division a continuance so that the Division has an opportunity to verify or obtain evidence to rebut any claims made by the responsible parent.

14. SUBSEQUENT COURT ORDER

An administrative decision remains in effect until superseded by a subsequent support order.

15. AMENDMENT

A responsible parent may request an administrative hearing to amend a decision prospectively based on a substantial change of circumstances. The Department may seek to amend a decision prospectively based on a substantial change of circumstances by using the same process permitted by this chapter for establishing a support obligation. When seeking to amend an administrative decision, the Department shall state in its initial notice that the purpose of the proceeding is to amend the responsible parent's support obligation based on a substantial change of circumstances.

CHAPTER 8 - ADMINISTRATIVE ESTABLISHMENT OF CHILD SUPPORT OBLIGATIONS**16. ENFORCEMENT**

An administrative decision is enforceable until amended, set aside, or superseded by a court order. An administrative decision creates a support obligation for purposes of enforcement under 19A MRSA § 2103.

17. EFFECT

This chapter applies to proceedings in which the responsible parent is served notice on or after the effective date of this section. Prior rules apply to proceedings in which the responsible parent is served notice before the effective date of this section.

18. ADOPTION ORDERS

An attested or certified copy of an order of adoption (or an original certificate of adoption) is a sufficient basis upon which to conclude that the adoptive parent owes a duty of support to the adopted child pursuant to 19A MRSA §1504 and that the adoptive parent is a responsible parent within the meaning of 19A MRSA §§2101(12), 2301 and 2304 as of the effective date of the order or certificate of adoption. An order or certificate of adoption does not lessen or negate any duty of support or support obligation owed by the child's natural parents up to the date of adoption.

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19. CHILDREN CONCEIVED AND BORN OUT-OF-WEDLOCK

For cases in which the child is born out-of-wedlock, the following evidence, if regular on its face, must be made a part of the hearing record and must be considered sufficient to establish that the alleged responsible parent has a duty of support under 19A MRSA §1504 and is a responsible parent within the meaning of 19A MRSA §§2301 and 2304:

- A. An original or duplicate original acknowledgment of paternity or similar document whereby the alleged responsible parent acknowledged the paternity of the child.
- B. An attested or certified copy of an acknowledgment of paternity or similar document that is issued by the keeper of records where the original or duplicate original acknowledgement or similar document is filed or recorded.
- C. An abstract prepared by the Department's Office of Data, Research and Vital Statistics that indicates the alleged responsible parent has acknowledged the paternity of the child and that a copy of the acknowledgement or other similar document is on file with that office. The abstract must contain the full names of the parents and child, the child's date of birth, and the date of acknowledgement.
- D. An original or duplicate original document whereby the alleged responsible parent consented to the entry of his name on the child's birth certificate.
- E. An attested or certified copy of a document whereby the alleged responsible parent consented to the entry of his name on the child's birth certificate that is issued by the keeper of records where the original or duplicate original document is filed or recorded.
- F. An original or duplicate original certificate or affidavit of legitimation executed by the alleged responsible parent.
- G. An attested or certified copy of a certificate or affidavit of legitimation that is issued by the keeper of records where the original or duplicate original certificate or affidavit is filed or recorded.
- H. An original or duplicate original of the child's birth certificate on which the alleged responsible parent's name is entered as the father, provided that the laws of the state in which the birth certificate is filed or recorded permit the entry of the father's name only if the father executes an acknowledgement of paternity, consents in writing to the entry of his name on the child's birth certificate, executes an affidavit or certificate of legitimation or is presumed to be the father based on the results of genetic testing.
- I. An attested or certified copy of the child's birth certificate on which the alleged responsible parent's name is entered as the father that is issued by the keeper of records where the original or duplicate original birth certificate is filed or recorded, provided that the laws of the state in which the birth certificate is filed or recorded

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permit the entry of the father's name only if the father executes an acknowledgement of paternity, consents in writing to the entry of his name on the child's birth certificate, executes an affidavit or certificate of legitimation or is presumed to be the father based on the results of genetic testing.

The responsible parent may raise affirmative defenses to written evidence of paternity as described in this section only for purposes of preserving the issue for judicial review. An alleged responsible parent is not prohibited from litigating at the hearing a claim that he is not the person who executed the acknowledgement of paternity, written consent or affidavit of legitimation relied on by the Division to establish a child support obligation.

20. TEN DAY ADVANCE NOTICE OF CLAIMS FOR CREDIT

A responsible parent who intends to introduce evidence at the hearing to support a claim for credit against his or her child support obligation must notify the Division in writing of the substance of any such claim and provide the Division with any written evidence that supports the claim (i.e., cancelled checks or receipts) within 10 days of receipt of the Notice of Hearing. The responsible parent must notify the Division in accordance with the requirements of this section of any claims of (a) monies paid by the responsible parent directly to the custodial parent or to any other person or entity other than the Department (except if payment was retransmitted to and posted by the Department) as payment of or in lieu of child support, and (b) things of utilitarian value other than money that the responsible parent gave to the custodial parent or child(ren) as or in lieu of child support. In the absence of such notice by the responsible parent, and provided that the Notice of Hearing or any other prior notice informs the responsible parent of the substance of the requirements of this section, the Division, upon request, must be granted a continuance so that it is able to consider, verify and/or rebut any claim for credit of which it did not have adequate prior notice. If a continuance is granted due to a lack of adequate prior notice, the responsible parent's current parental support obligation, if any, must begin on the same date as if the hearing had not been continued, provided that the responsible parent has been notified of the substance of this section in the Notice of Hearing or any other prior notice.

21. ADJOURNMENTS REQUESTED BY THE RESPONSIBLE PARENT

If a hearing is continued or adjourned at the request of the responsible parent (whether by a hearing officer or by agreement with the Division), the responsible parent's current parental support obligation, if any, must begin on the same date as if the hearing had not been continued or adjourned, provided that the responsible parent has been notified of the substance of this section in the Notice of Hearing.

22. COURT ACTION OPTIONAL

The Division, through the Department of Attorney General, may initiate and maintain a civil action to establish a responsible parent's current parental support obligation, debt for past necessary support, and/or obligation to provide health insurance coverage for a

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dependent child or children in any case in which the Department is authorized to establish such obligations administratively.

23. FOSTER CARE CASES

The responsibility for the establishment of a child support obligation in Foster Care cases rests with the Division of Child and Family Services. Court-ordered child support obligations are to be sought at the time the child is committed or at a subsequent court review of the commitment. If appropriate, the Division will establish a child support obligation through the administrative process.

24. IMMEDIATE WITHHOLDING OF EARNINGS PURSUANT TO 19A MRSA §2306

- A. A finding of "good cause not to require immediate withholding" under 19A MRSA § 2306(1)(B)(1) must be based on at least:
 - 1. A written determination that, and explanation by the hearing officer of why, implementing immediate wage withholding would not be in the best interests of the child; and,
 - 2. In a proceeding involving the modification of a support award, proof of timely payment of previously ordered support in the support enforcement case.
- B. In a proceeding in which the custodial parent is a TANF recipient, "A written agreement between the parties" (19A MRSA § 2306[1][B][2]) means a written agreement between the responsible parent and the Division or the payor of TANF public assistance other than the Department which is consented to by the TANF recipient either on the record at the hearing or in writing or where the TANF recipient has given written authorization to the Division or payor of TANF public assistance other than the Department to enter into a written agreement.
- C. In a proceeding in which the custodial parent is a non-TANF support enforcement client of the Department or another title IV-D agency, "A written agreement between the parties" (19A MRSA § 2306[1][B][2]) means a written agreement between the responsible parent and the client or a written agreement between the responsible parent and the Division or other title IV-D agency of which the custodial person is a client and where the client has given the Division or other title IV-D agency written authorization to enter into a written agreement.

CHAPTER 9 - PROCEEDINGS UNDER 19A MRSA §§ 1601-1616; EXPEDITED PROCESS
FOR THE COMMENCEMENT OF PATERNITY ACTIONS

**CHAPTER 9 - PROCEEDINGS UNDER 19A MRSA §§ 1601-1616; EXPEDITED PROCESS
FOR THE COMMENCEMENT OF PATERNITY ACTIONS**

1. COMMENCEMENT OF A LEGAL ACTION

A. The Division may commence a legal action to adjudicate paternity (under 19A MRSA §§ 1601 *et seq.*) by serving an alleged father subject to its jurisdiction with a Notice of Paternity Proceeding. The Division shall not serve an alleged father unless it receives an affirmation from the mother of the child(ren) that states:

1. She engaged in sexual intercourse with the alleged father at a possible time of conception of the child(ren); or
2. The child(ren) was (were) born or may have been conceived when she was legally married to the alleged father.

If the mother of the child(ren) is a minor, the affirmation may be that of the guardian or next friend of the mother.

- B. The Division may commence a single action to determine the paternity of more than one child if it receives an affirmation that names more than one child.
- C. The Division may proceed simultaneously or successively against more than one alleged father if it receives more than one affirmation concerning the paternity of the same child(ren). The Division need not proceed against each alleged father.
- D. A Notice of Paternity Proceeding is not subject to administrative review. Legal defenses of an alleged father may only be asserted in a court of proper jurisdiction, and only if the Division files a record of a proceeding in a court as a paternity proceeding because an alleged father:
1. Refuses to submit to blood or tissue typing tests; or
 2. Fails to execute and deliver to the Division an acknowledgment of paternity within 15 days after receiving the results of blood testing which do not exclude him as the father of the child(ren).

2. METHOD OF SERVICE

An authorized representative of the Department or a person authorized by the Maine Rules of Civil Procedure may serve a Notice of Paternity Proceeding. The notice must be served in hand.

3. WRITTEN DENIAL OF PATERNITY

CHAPTER 9 - PROCEEDINGS UNDER 19A MRSA §§ 1601-1616; EXPEDITED PROCESS FOR THE COMMENCEMENT OF PATERNITY ACTIONS

An alleged father who has been served a Notice of Paternity Proceeding may file a written denial of the allegation of paternity by delivering it to the Division in person or by mail within 20 days after service of the notice. If the Division does not receive a written denial of paternity or an acknowledgment of paternity within 20 days after service of a Notice of Paternity Proceeding, it may file a record of the proceeding in a court as a paternity proceeding.

4. ACKNOWLEDGMENT OF PATERNITY

An alleged father may execute and deliver to the Division an acknowledgment of paternity prior to a record of a paternity proceeding being filed in a court. If the Division receives an acknowledgment of paternity prior to filing a record of a proceeding in a court, it must terminate the proceeding and proceed against the father pursuant to chapter 8 of the Manual. An acknowledgment of paternity must be executed in accordance with the laws of the state in which the child(ren) was (were) born.

5. BLOOD TESTING

- A. An alleged father who files a written denial of paternity within 20 days after service of a Notice of Paternity Proceeding must submit to blood or tissue type testing. If an alleged father refuses to submit to blood or tissue type testing, the Division may file a record of the proceeding in a court as a paternity proceeding.
- B. If the Division receives a written denial of paternity within 20 days after service of a Notice of Paternity Proceeding, it shall schedule blood or tissue type testing of the alleged father, the mother, and the child(ren). The Division shall notify the parties by ordinary mail of the date, time, and place of testing, which may be scheduled no earlier than 15 days after the mailing of the notice, unless by agreement of all interested parties. Notices must be sent to the last known addresses of the parties. Notice that meets the requirements of this paragraph is adequate and timely.
- C. If the expert examiner requests that additional blood or tissue samples be obtained from the alleged father, the Division shall notify the alleged father by ordinary mail of the date, time, and place that additional samples will be drawn. The drawing of additional samples may be scheduled no earlier than 15 days after the mailing of the notice to the alleged father. The notice must inform the alleged father that failure to provide additional samples constitutes a refusal to submit to blood or tissue type testing. The notice must be sent to the alleged father's last known address.
- D. The Division shall send a notice to reschedule blood or tissue type testing to an alleged father who does not appear for scheduled blood or tissue type testing. The notice shall state that if the alleged father does not, within 15 days of the mailing to him of the notice, request that the Division reschedule testing, his failure to appear constitutes a refusal to submit to testing. If the alleged father requests rescheduling within the time stated, the Division shall reschedule the tests. Rescheduled tests may not be conducted earlier than 15 days after the mailing of the notice to

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reschedule, except by agreement of all interested parties. The notice must also state that if the alleged father fails to submit to the rescheduled tests, the failure to submit constitutes a refusal to submit to the tests. The notice shall be sent to the last known address of the alleged father by ordinary mail.

- E. If blood or tissue type test results show that an alleged father is or may be the natural father of the child(ren), he must deliver an acknowledgement of paternity to the Division within 15 days after the mailing to him of the test results, or the Division may file a record of the proceeding in a court as a paternity proceeding. The acknowledgement of paternity must be executed in accordance with the laws of the state in which the child(ren) was (were) born.
- F. If blood or tissue type test results show that an alleged father is not the natural father of the child(ren), the Division may request a court order that states the alleged father was excluded as the natural father of the child(ren) by blood or tissue type testing.
- G. The Department may recoup its costs for blood or tissue testing from alleged fathers who are not excluded by the tests and who are not indigent.
- H. If the alleged father submits himself to sample collection and testing for paternity evaluation, alleged father agrees that the samples, or the DNA profile resulting from the test, may be used to determine the paternity of other children in actions unrelated to the one for which DNA is being tested and may be used as evidence in further paternity actions, if the Department has an affirmation alleging he is the father of a child or if the Department commences an action against the alleged father and he fails to participate in testing.

6. FILING A RECORD OF A PATERNITY PROCEEDING IN A COURT

- A. After the Division serves a Notice of Paternity Proceeding, it may, unless paternity has been acknowledged pursuant to 9.4, file a record of the proceeding in a court as a paternity proceeding if an alleged father:
 - 1. Does not file a written denial of paternity with the Division within 20 days after service of the notice;
 - 2. Does not deliver an acknowledgment of paternity to the Division that has been executed in accordance with the laws of the state in which the child(ren) was (were) born within 15 days after the mailing to him of blood or tissue type test results that show he is or may be the father of the child(ren); or
 - 3. Refuses to submit to blood or tissue type testing.
- B. If the Division files a record of a proceeding under 9.6(A)(1), an alleged father is not entitled to notice of the filing and may not assert legal defenses after the filing. A filing under 9.6(A)(1) is a filing under the Maine Rules of Civil Procedure, Rule 3,

CHAPTER 9 - PROCEEDINGS UNDER 19A MRSA §§ 1601-1616; EXPEDITED PROCESS FOR THE COMMENCEMENT OF PATERNITY ACTIONS

which entitles the Department or mother or other payor of public assistance to a default judgment against the alleged father in his absence for his failure to file a written denial of paternity in accordance with 9.3.

- C. If the Division files a record of a proceeding in a court under 9.6(A)(2) or 9.6(A)(3), an alleged father is not required to file an additional denial of paternity and may assert any defense, in law or fact, within 25 days after the mailing to him by ordinary mail of a notice that a record of the proceeding has been filed in a court as a paternity proceeding.

7. COURT ORDERED RELIEF

If the Division files a record of a proceeding in a court as a paternity proceeding, it may ask the court to:

- A. Establish the alleged father as the legal father of the child(ren);
- B. Order the alleged father to make periodic support payments required by the Maine Child Support Guidelines;
- C. Order immediate income withholding for payment of current support and/or debt owed;
- D. Order the alleged father to obtain health insurance for the child(ren) and to provide continuing proof of coverage to the Division;
- E. Order the alleged father to pay reasonable medical, hospital, dental, and optical expenses incurred on behalf of the child(ren);
- F. Order the alleged father to reimburse the mother, the Department, or other payor of public assistance for the past support, birth expenses, and medical expenses incurred on behalf of the minor child(ren) to the time of trial and grant judgment, as applicable, in the amount of those expenses with execution to issue immediately;
- G. Order the alleged father to make payments to the Division when the mother receives TANF for the child(ren) or is a non-TANF client and at all other times to the mother;
- H. Order the alleged father to reimburse the Department for the cost of blood or tissue typing tests if he is not excluded as the father of the child(ren) and is not indigent;
- I. Order the alleged father to pay reasonable attorney's fees and costs of prosecution, including prejudgment interest; and
- J. Grant any other relief deemed just and proper.

8. NON-RESIDENT ALLEGED FATHERS

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- A. A person who engages in sexual intercourse with a resident of this State within this State submits to the jurisdiction of the Division for the purpose of commencing a paternity proceeding.
- B. For purposes of this chapter, alleged fathers residing outside the State are subject to the jurisdiction of the Division to the fullest extent permitted by the Due Process clause of the United States Constitution, Amendment XIV and to the fullest extent permitted by Maine law.

CHAPTER 10 - PROCEEDINGS UNDER 19A MRSA § 2352 (NOTICE OF SUPPORT DEBT)
AND 19A MRSA § 2359 (EXPEDITED INCOME WITHHOLDING)

**CHAPTER 10 - PROCEEDINGS UNDER 19A MRSA § 2352 (NOTICE OF SUPPORT DEBT)
AND 19A MRSA § 2359 (EXPEDITED INCOME WITHHOLDING)**

1. PROCEDURE IN GENERAL

The Division may proceed under 19A MRSA § 2352 and/or 19A MRSA § 2359 as required, empowered, or authorized to do so on behalf of the Department, any other state, any other state's IV-D Agency, any non-TANF client of any other state's IV-D Agency or any non-TANF client of the Department, whether or not TANF is being or has been expended for the responsible parent's child(ren) by the Department or by any other state or subdivision/instrumentality thereof. In the event that public assistance has been paid by the Department or by any other state (or sub-Division/ instrumentality thereof) for the benefit of the dependent child(ren) of the responsible parent, the responsible parent's arrearage/debt shall not be limited by the amount of such public assistance. The Division may proceed under § 2352 and § 2359 simultaneously.

2. SCOPE OF LIABILITIES AND OBLIGATIONS WHICH MAY BE ENFORCED BY THE DIVISION UNDER 19A MRSA § 2352 AND/OR 19A MRSA § 2359

On behalf of any of the persons enumerated in § 1, the Division, under 19A MRSA § 2352 and/or 19A MRSA § 2359, may enforce any and all liabilities and/or obligations of a responsible parent under any support order (as defined by 19A MRSA § 2101[13]) which relate to obligations for child support, spousal support, health insurance coverage, health insurance proceeds, and medical support and expenses.

3. REQUIREMENTS FOR A NOTICE OF DEBT

In addition to conforming to the requirements of 19A MRSA § 2352(1), a Notice of Debt may contain such other notices to and information for the responsible parent as the Division deems appropriate.

4. REQUIREMENTS FOR A NOTICE OF INTENTION TO WITHHOLD PURSUANT TO §2359

In addition to conforming with the requirements of 19A MRSA § 2359(3), a notice of intention to withhold shall include such other notices to and information for the responsible parent as the Division deems appropriate.

5. COMBINING OF NOTICE OF DEBT AND NOTICE OF INTENTION TO WITHHOLD

A notice of debt (19A MRSA §2352) and a notice of intention to withhold (19A MRSA §2359) may be combined.

6. COLLECTION OF SUPPORT DEBT IN JEOPARDY

CHAPTER 10 - PROCEEDINGS UNDER 19A MRSA § 2352 (NOTICE OF SUPPORT DEBT) AND 19A MRSA § 2359 (EXPEDITED INCOME WITHHOLDING)

If immediate payment is demanded because collection is determined to be in jeopardy, the Division shall afford the responsible parent the opportunity for a review hearing to review the jeopardy issue within 5 business days of the responsible parent's request for such a review hearing. Notice of the right to such a review shall be included in the demand for immediate payment. A review affidavit need not be served in order for such a review hearing to be scheduled.

7. A SUPPORT ORDER NOT AFFECTED BY CERTAIN OTHER ORDERS

A support order (as defined by 19A MRSA § 2101[13]) with respect to which the Division is proceeding under 19A MRSA § 2352 and/or 19A MRSA § 2359, or which is the basis of the Division's submittal for federal income tax refund offset pursuant to 42 USC 664, shall not be deemed nullified, vacated or in any way modified by:

- A. An order rendered pursuant to 19A MRSA § §4001-4014 (Protection from Abuse), unless such court order of support is an order issued by the Maine District or Superior Court and the subsequent order rendered pursuant to 19A MRSA § §4001-4014 explicitly expresses an intention to nullify, vacate or otherwise modify such court order of support; or by
- B. An order for or regarding child support rendered pursuant to the Uniform Reciprocal Enforcement of Support Act (URESA) of the State of Maine (formerly 19 MRSA §§461-420 or the URESA statute of another state (or a substantially similar statute of any other state, e.g., the New York Uniform Support of Dependents Act), notwithstanding that the proceeding in which such order was entered has not been dismissed, unless such URESA order specifically provides for nullification or modification of such court order of support; or by
- C. An order for or regarding child support rendered pursuant to the Uniform Reciprocal Enforcement of Support Act (URESA) of the State of Maine (formerly 19 MRSA §§361-420) or the URESA statute of another state (or a substantially similar statute of any other state, e.g., the New York Uniform Support of Dependents Act), whether or not such order specifically provides for nullification or any kind of modification of such court order of support, if the URESA proceeding in which such order was entered has been dismissed.

8. APPLICABILITY OF FORMER 19 MRSA § 303

Computation of a child support arrearage/debt under a Maine court order which establishes or modifies a child support obligation shall be governed by 19 MRSA § 303 as enacted by PL 1989, c. 156 (the first paragraph of 19 MRSA § 303, as enacted by PL 1969, c. 175), if the order was issued on or after October 1, 1969 and before April 17, 1990.

9. LIMITATION ON CREDIT FOR PARENT/CHILD CONTACT

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In a proceeding to enforce a court order or administrative decision for child support under 19A MRSA § 2352 or 19A MRSA § 2359, the responsible parent shall receive a credit for such period(s) of time that his child(ren) have visited with him only if and to the extent that the court order or administrative decision by its terms expressly provides for such a credit.

10. STAY OF AGENCY ACTION

If the responsible parent seeks a review of a Notice of Debt pursuant to 19A MRSA § 2451, or seeks relief in a court of proper jurisdiction, and if the Division receives the request for review or service of pleadings within 21 days after service of the Notice of Debt upon the responsible parent, it shall stay collection action, except collection action pursuant to 19A MRSA § 2306. The Division shall accept ordinary mail service of copies of all pleadings, which shall be addressed to the Division representative whose name appears on the Notice of Debt. Service upon the Department shall be in addition to any other service required under the Maine Rules of Civil Procedure.

Maine Child Support Enforcement Manual**CHAPTER 11 - RULES FOR HEARINGS**

CHAPTER 11 - RULES FOR HEARINGS

1. SETTING OF HEARING

- A. The hearing shall be conducted privately and open only to:
 - 1. The responsible parent, his witnesses and legal counsel or other representative selected to participate in the responsible parent's behalf at the hearing.
 - 2. The TANF recipient or non-TANF support enforcement services client.
 - 3. The TANF recipient or non-TANF client in the proceeding.
 - 4. Departmental staff, representatives of the Attorney General's Department, and witnesses selected by the Division to participate in the hearing.
 - 5. If a TANF recipient is required to appear at a hearing, he is entitled to have his own lawyer present. However, the cost of such legal representation shall be the responsibility of the recipient and not the Department.
- B. A representative of the Division must be present at every hearing to represent the Division, to testify on its behalf and to be available for cross-examination.
- C. The hearing shall be conducted in an informal manner but with dignity. The hearing officer shall maintain order in the hearing room.
- D. The hearing will be held in a separate room free from other activities.
- E. News Media Presence
 - 1. Representatives of the news media shall be excluded from the hearing unless their presence is agreed upon in advance by both the responsible parent and the TANF recipient/client.
 - 2. If news media representatives are permitted to be present, they shall be prohibited from taking pictures, or making any type of recording of the hearing proceedings.

2. JURISDICTION OF THE HEARING OFFICER

- A. In a contested matter under Chapter 8, the hearing officer has jurisdiction to establish the responsible parent's child support obligations as provided by these rules.

CHAPTER 11 - RULES FOR HEARINGS

- B. In a hearing under Chapter 12, the hearing officer has jurisdiction to decide the merits of the Division's action as provided by these rules, subject to the limits set forth at 12.7 and 12.10 of the Manual.

3. ORDER OF PRESENTATION

Generally, the Division presents its case first, in the interest of providing a basic framework of documentary evidence and an initial statement of issues. However, at a hearing to set aside a default decision, the responsible parent generally presents his or her case first.

4. EVIDENCE**A. Exhibits**

The hearing officer shall mark all exhibits received in the order of their introduction, and make them part of the record.

B. Certain papers deemed part of the record

A notice of hearing or a review affidavit/affirmation and a notice of review hearing in a § 2451 proceeding, are deemed part of the record if either (1) the hearing officer has a copy of the documents when the hearing begins, or (2) the documents are presented to the hearing officer with sufficient identifying information for inclusion in the record, without the need of reading the documents into the record.

C. Documentary/written evidence need not be read into the record

Documentary or written evidence shall be identified sufficiently for it to be admitted into evidence but need not be read into the record, provided that a copy thereof is possessed by or is made available to the person against whose interest it is offered in evidence.

5. DECLINATION TO OFFER EVIDENCE

Upon a party being advised by the hearing officer presiding at a hearing that further, additional or other evidence is required of or should be offered or submitted by the party in order for a decision to be rendered on one or more issues in the proceeding, such party shall have the option of: (a) offering/submitting such evidence within a reasonable period of time to be set by the hearing officer; or (b) upon being so advised by the hearing officer or at any time during the period set by the hearing officer for the offer/submission of evidence, of declining to offer/submit such evidence. In the event of the party exercising option (b), a decision must be rendered in the proceeding, which decision shall be based upon the evidence which is in the record and shall specify the respect(s) in which, if any, the decision is based upon the absence in the record of the evidence which such party has declined to offer/submit.

6. DECISION REQUIRED FOR FINDING OF NO JURISDICTION

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If the hearing officer determines that he or she has no jurisdiction to render a decision on one or more issues, the hearing officer must render a decision that explains the basis of that determination.

7. WITHDRAWAL WITHOUT PREJUDICE

A proceeding may be withdrawn without prejudice by the party that has initiated or requested the proceeding (1) at any time before evidence is taken in the proceeding, by so notifying the other party, or (2) at any time prior to the rendition of a decision in the proceeding by (a) filing with the Office of Administrative Hearings a stipulation of withdrawal signed on behalf of the Division and signed and acknowledged by the responsible parent or (b) by the entering of an oral stipulation of withdrawal without prejudice on the record.

8. DECISIONS

The Department's administrative decisions must conform to all applicable laws. The Division shall develop and provide to the Office of Administrative Hearings generic decision forms that satisfy all legal requirements and which may contain other notices the Division deems appropriate.

9. MISTAKES IN DECISIONS

Mistakes and errors in decisions arising from oversight or omission may be corrected by a hearing officer at any time on his own initiative or on the application of either party to the proceeding to be made on notice to the other party, or on the consent of both parties.

10. THE RECORD

A. The record shall contain:

1. All applications, pleadings, motions, preliminary and interlocutory rulings and orders;
2. Evidence received;
3. A statement of facts officially noticed;
4. Offers of proof, objections and rulings thereon; and
5. The decision.

B. Hearings to be Recorded

The hearing officer shall record the hearing in a form susceptible to transcription. Portions of the record as required and specified in Paragraph A may be included in

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the recording. The Department shall transcribe the recording when necessary for an 80C proceeding.

C. Record: Copies

The Department shall make a copy of the record, including recordings made pursuant to Paragraph B, available at its principal place of operation, for inspection by any party to the hearing during normal business hours except for good cause; and shall make copies of the record, copies of the record and transcriptions of recordings available to any party at actual cost except for good cause.

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CHAPTER 12 - PROCEEDINGS TO AMEND OR SET ASIDE ADMINISTRATIVE DECISIONS; PROCEEDINGS TO APPEAL AGENCY

1. ADMINISTRATIVE REVIEW HEARINGS

The Department may conduct administrative review hearings:

- A. That are specified in this chapter as being available to the responsible parent or the Division;
- B. That are alternative review hearings in interstate tax refund offset cases; and
- C. That the Division, as the State's Title IV-D agency, is authorized or required to conduct by state or federal law, rule, or regulation, or by direction of the Commissioner.

2. TYPES OF ADMINISTRATIVE REVIEW HEARINGS

- A. There are three types of administrative review hearings:
 - 1. Appeal hearings;
 - 2. Amendment hearings; and
 - 3. Hearings to set aside a default decision.
- B. An appeal hearing is a hearing on the merits of the Department's action.
- C. An amendment hearing is a hearing on whether to amend an administrative decision prospectively to change either or both of the following:
 - 1. A responsible parent's current parental support obligation based on a substantial change of circumstances.
 - 2. A decision that does not require a responsible parent to obtain or maintain health insurance coverage if available at reasonable cost.
- D. A hearing to set aside a default decision is a hearing on whether the Department must, for good cause shown, set aside an administrative decision and issue a new decision based on the evidence submitted at the hearing to set aside.

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3. ADMINISTRATIVE REVIEW HEARINGS AVAILABLE TO THE RESPONSIBLE PARENT

- A. A responsible parent may request an appeal hearing under 19A MRSA §2451 of:
1. Any action under the Alternative Method of Support Enforcement as provided for in sub-§B;
 2. A submittal to IRS for federal income tax refund offset; and
 3. A submittal by the Division to the State Tax Assessor for state income tax refund offset.
- B. "Any action", within the meaning of 19A MRSA §2451 and sub-§ A, paragraph 1 means:
1. A notice of support debt and demand for payment based upon a court order (19A MRSA §2352), an administrative decision, or other order of administrative process;
 2. The filing of a lien (19A MRSA §2357);
 3. The service of an order to withhold and deliver (19A MRSA §2358), provided the Department has served the order upon the responsible parent or the responsible parent has waived service of the order in writing;
 4. Notice of intention to withhold (19A MRSA §2359);
 5. Order to withhold (19A MRSA §2359);
 6. Administrative seizure and disposition of property (19A MRSA §2363);
 7. A demand for immediate payment (19A MRSA §2352[3]);
 8. A notice of intended setoff of lottery winnings issued by the Department of Finance, Bureau of Lottery pursuant to 19A MRSA § 2360; and
 9. An administrative decision that establishes or modifies a responsible parent's child support obligation.
- C. A responsible parent may request an amendment hearing based upon an allegation that a substantial change of circumstances has occurred since an administrative decision that established or modified the responsible parent's child support

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obligation was issued. The Department shall consider either or both of the following a substantial change of circumstances:

1. If a current parental support obligation established by a decision, including a decision in effect before the effective date of the support guidelines, varies more than 15% from a parental support obligation determined under 19A MRSA § 2006, provided that the decision did not deviate from the guidelines pursuant to 19A MRSA § 2007.
 2. If a decision does not require the responsible parent to obtain or maintain health insurance coverage if it is available at reasonable cost, including a decision in which the responsible parent was served a notice of hearing or notice of hearing and debt before September 30, 1989.
- D. A responsible parent may request a hearing to set aside a default decision as provided for at 8.10 of the Manual.
- E. A responsible parent is not entitled to and may not be granted an administrative review hearing to contest a Notice of Paternity Proceeding. Actions taken by the Division under Chapter 9 of the Manual are not actions under the Alternative Method of Support Enforcement and are not subject to administrative review.

4. REQUEST FOR HEARING BY THE RESPONSIBLE PARENT

- A. To request an administrative review hearing, the responsible parent must serve the Division with a hearing request and an affidavit that states the grounds for the review. The request and affidavit may be combined as one document. Service is made by delivering the hearing request and the review affidavit to any office of the Division or by sending them by regular mail to:

DHS Hearings Coordinator
Division of Support Enforcement and Recovery
State House Station 11
Augusta, Maine 04333-0011

Hearing request forms and review affidavits are available from the Division on request. The review affidavit may be executed by the responsible parent, the responsible parent's attorney, or other person authorized to act on behalf of the responsible parent. The responsible parent must execute the review affidavit if the affidavit contains a material statement of fact (as it must, for example, on a request for an amendment hearing), unless the responsible parent is disabled from doing so. A statement affirmed under the penalties for unsworn falsification may be used instead of an affidavit.

- B. Time limits

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- 1. Notice from IRS.** A responsible parent may request an appeal hearing in response to a notice from the Internal Revenue Service ("IRS") that informs the responsible parent that the responsible parent's income tax refund or a portion thereof has been offset against the responsible parent's child support debt. A hearing request must be postmarked no later than 30 from the date of the notice from IRS, or delivered to any office of the Division no later than 30 days from the date of the notice. The Department may not grant hearing requests that are not made timely.
- 2. Notice from State Tax Assessor.** A responsible parent may request an appeal hearing in response to a notice of intended setoff from the State Tax Assessor. A hearing request must be postmarked no later than 30 days after the responsible parent's receipt of the notice of intended setoff, or delivered to any office of the Division no later than 30 days after the responsible parent receives the notice.
- 3. Notice from Bureau of Lottery.** A responsible parent may request an appeal hearing in response to a notice of intended setoff of lottery winnings issued by the Department of Finance, Bureau of Lottery. A hearing request must be postmarked no later than 15 days after the responsible parent's receipt of the notice of intended setoff, or delivered to any office of the Division no later than 15 days after the responsible parent receives the notice.
- 4. Agency action.**
 - i. The time limit for a responsible parent's request for an appeal hearing of agency action as permitted by 12.3(A)(1) is 30 days after the responsible parent receives notice of the action. If the responsible parent requests an appeal hearing to review agency action that is a collection-of-support-debt mechanism under 19A MRSA §2358 or §2363 and under which the Division collects monies during a period when the responsible parent received public assistance as defined by 5.1, the Department shall grant the responsible parent's hearing request, provided that the request is served upon the Department within 30 days of when the responsible parent first receives public assistance after the date the responsible parent receives notice from the Division of the collection action.
 - ii. Notwithstanding sub-¶(a), if the responsible parent does not request a hearing within the 20 days provided by 19A MRSA §§2352 and 2359, the Division may issue and serve an order to

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withhold 21 days after the Division serves a notice of intention to withhold under 19A MRSA §2359, and may proceed to enforce a debt 21 days after the Division serves a notice of debt issued pursuant to 19A MRSA §2352.

5. ADMINISTRATIVE REVIEW AND APPEAL HEARINGS AVAILABLE TO THE DIVISION

- A. The Division may seek to amend an administrative decision by serving the responsible parent with a notice of hearing as provided for by Chapter 8 of the Manual.
- B. The Division may request an appeal of an administrative decision that establishes a support order pursuant to 19A MRSA § 2304 (3) and (4).
- C. The Division must move for any appeal review hearing within 30 days of receiving the decision establishing the support order. The Division shall send notice that it is seeking an appeal review to the responsible parent by regular mail. The Division shall send a notice of hearing to the responsible parent. The hearing date may not be less than 15 days or more than 30 days after the date the Division sends notice to the responsible parent that the Division is seeking a review hearing.

6. NOTICE OF HEARINGS

- A. If a responsible parent requests an appeal hearing, the Division shall send the responsible parent, within seven days of receiving the responsible parent's hearing request and review affidavit, notice of the date, time, and place of the hearing by certified or registered mail. The hearing date may not be less than 15 days nor more than 30 days after the date the Division receives the responsible parent's hearing request and review affidavit, unless the rights of any party to the hearing are not affected if the Division sets a hearing date that is more than 30 days after the date the Division receives the responsible parent's hearing request and review affidavit. If the responsible parent agrees, the Division may set a hearing date that is less than 15 days after the date the Division receives the responsible parent's hearing request and review affidavit.

If a responsible parent serves the Division with a hearing request but does not submit a review affidavit, the Division shall notify the responsible parent in writing of the requirement to submit a review affidavit. The Division shall provide a blank review affidavit form with the notice. The Division shall consider that the review affidavit is served timely if it is postmarked or received within the time allowed for a hearing request or within 15 days of the postmark date of the Division's notice that the responsible parent must submit a review affidavit. The Division shall send the notice of hearing required by 19A MRSA §2451(1) within 7 days of receiving the responsible parent's executed affidavit.

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- B. If a responsible parent requests an amendment hearing or a hearing to set aside a default decision, the Division shall send the responsible parent without undue delay a notice by certified mail that states the date, time and place of the hearing. The date of the hearing may not be less than 15 days from the date of mailing of the notice, unless by agreement of the parties.
- C. If the hearing requested by either the responsible parent or the Division is an amendment hearing, the review affidavit must allege a substantial change of circumstances as defined by Section 3(C). The allegation must state the change of circumstances with sufficient clarity to adequately notify the other party of the factual claims on which the allegation is based.
- D. If a responsible parent requests a hearing to set aside a default decision, the responsible parent's review affidavit must state fully and with particularity the responsible parent's income and assets for the appropriate periods. A responsible parent may meet this requirement by completing the Division's statement of resources form and serving it with the review affidavit.
- E. When the Division receives a responsible parent's request for an appeal hearing, the Division may serve its own review affidavit with the notice of hearing the Division sends to the responsible parent. The Division shall set forth in its review affidavit any issues it believes should be reconsidered on appeal. The Department shall address the issues raised by the responsible parent and the Division at the appeal hearing and shall render a decision on all issues raised.
- F. Failure to set forth reviewable issues; hearing requests not made timely; disputed hearing requests
 - 1. If the responsible parent's review affidavit presents no issue that is reviewable at an administrative review hearing, the Division shall refer the hearing request and the review affidavit to the Office of Administrative Hearings. The Division shall inform the Office of Administrative Hearings that the review affidavit presents no reviewable issue and that the hearing request should be denied. The Office of Administrative Hearings shall handle the responsible parent's hearing request according to Rule VI(B)(4) of the Administrative Hearings Manual. When determining whether a hearing request presents a reviewable issue, the Division shall issue the responsible parent a notice of hearing if the Division can reasonably interpret the responsible parent's hearing request and review affidavit to state a reviewable issue.
 - 2. If it appears to the Division's Hearings Coordinator that a request for hearing has not been made timely, the Division's Hearings Coordinator shall proceed in accordance with Rule VI(B)(4) of the Office of Administrative Hearings Manual.
 - 3. The Division may dispute a responsible parent's hearing request under Rule VI(B)(4) of the Office of Administrative Hearings Manual. If the Division disputes

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a responsible parent's hearing request, the Division shall inform the responsible parent and the Office of Administrative Hearings in writing of the Division's reasons why a hearing is not required by law.

4. This subsection does not amend or limit the requirements of section 7.

7. ISSUES THAT MAY BE CONSIDERED AT ADMINISTRATIVE REVIEW HEARINGS

This section specifies the issues that the Department may consider at administrative review hearings. The issues specified are the only issues the parties may litigate at hearing. The Department may not render a decision on issues that are not specified in this section.

A. Notice of debt (19A MRSA §2352)

1. Whether the responsible parent is in receipt of public assistance for the benefit of any of the responsible parent's natural or adopted children during the period(s) for which the responsible parent's support debt is calculated;
2. Uncredited cash payments claimed by the responsible parent;
3. The amount of the debt accrued and the rate at which it accrues;
4. The accuracy of the terms of the court order or administrative decision as stated in the notice of debt;
5. Whether the responsible parent is liable for medical expenses incurred because the responsible parent did not obtain or maintain health insurance coverage;
6. Whether the responsible parent is liable for uninsured medical expenses; and
7. The responsible parent's identity, except that the responsible parent may not raise the issue of identity solely because of a difference between the responsible parent's name as set forth in the notice of debt or the records of the Department or other governmental agency on whose behalf the notice has been issued, and as set forth in the court order or administrative decision on which the notice of debt is based.

B. Submittal to IRS for federal income tax refund offset

1. Whether the debt amount set forth in the Division's pre-offset notice is a correct statement of the debt that has accrued under or been established by a court order or administrative decision;
2. Whether the responsible parent's child support debt is assigned to the Department because the responsible parent's child received TANF, Medicaid, or

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Foster Care payments, or whether there is a child support order, judgment, or decision in favor of the Department;

3. Whether the Division is authorized or required by state or federal law to submit the debt, or may do so pursuant to an application or contract for support enforcement services with an individual in connection with past-due non-TANF related child support or alimony;
4. Whether the responsible parent and the Division have executed a written agreement that expressly exempts the responsible parent from submittal for federal income tax refund offset of the debt on which the submittal is based, provided the written agreement pre-dates the Division's pre-offset notice, and the responsible parent has fully complied with the written agreement up to the date of the pre-offset notice; and
5. Whether the responsible parent is in receipt of public assistance for the benefit of any of the responsible parent's natural or adopted children on the date of a notice to the responsible parent from IRS that the responsible parent's income tax refund or a part of it has been offset for the responsible parent's child support debt.

C. Notice from the State Tax Assessor of intended setoff

1. Whether the debt amount set forth in the notice is a correct statement of the debt that has accrued under or been established by a court order or administrative decision;
2. Whether the responsible parent and the Division have executed a written agreement that expressly exempts the responsible parent from setoff by the State Tax Assessor for the debt on which the setoff is based, providing the responsible parent has fully complied with the written agreement up to the date of the notice of intended setoff; and
3. Whether the responsible parent is in receipt of public assistance for the benefit of any of the responsible parent's natural or adopted children on the date of the notice of intended setoff.

D. Administrative decision (appeal hearing)

Whether the decision was decided incorrectly based on the evidence submitted at the hearing and the requirements of the Manual. Evidence not part of the hearing record may be considered at the appeal hearing if the evidence was offered but incorrectly excluded at the hearing.

E. Administrative decision (amendment hearing)

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Whether there is a substantial change of circumstances as defined in Section 3(C). If there is a substantial change of circumstances, the hearing is conducted in accordance with 19A MRSA § 2304(3) and rules adopted by the Commissioner. A decision is rendered based on the evidence introduced at the hearing and the requirements of the Manual.

F. Administrative decision (hearing to set aside a default decision)

Whether the responsible parent has good cause for failure to request a hearing or failure to appear and a meritorious defense as to why the decision should be set aside. If the responsible parent establishes good cause and a meritorious defense, the Department shall set aside the decision and render a new decision based on the evidence introduced at the hearing and the requirements of the Manual.

G. Certificate of lien (19A MRSA §2357)

1. Whether the requirements of 19A MRSA §2357 have been met; and
2. Whether the debt amount set forth in the certificate of lien is a correct statement of the debt that has accrued under or been established by a court order or administrative decision.

H. Order to withhold and deliver (19A MRSA §2358)

1. Whether the applicable requirements of §2358 have been met;
2. Whether the debt amount set forth in the order to withhold and deliver is a correct statement of the debt that has accrued under or been established by a court order or administrative decision;
3. Whether the responsible parent is in receipt of public assistance for the benefit of any of the responsible parent's natural or adopted children when the order is served on the employer or other payor of earnings; and
4. Whether property subject to the order is exempt from attachment.

I. Notice of intention to withhold (19A MRSA §2359)

1. The accuracy of the terms of the court order or administrative decision as stated in the notice of intention to withhold;
2. Whether the debt amount set forth in the notice is a correct statement of the debt that has accrued under or been established by a court order or administrative decision;
3. Uncredited cash payments claimed by the responsible parent;

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4. Whether the responsible parent is liable for uninsured medical expenses;
 5. Whether the responsible parent is liable for medical expenses incurred because the responsible parent did not obtain or maintain health insurance coverage;
 6. The responsible parent's identity, except that the responsible parent may not raise the issue of identity solely because of a difference between the responsible parent's name as set forth in the notice of debt or the records of the Department or other governmental agency on whose behalf the notice has been issued, and as set forth in the court order or administrative decision on which the notice of debt is based; and
 7. Whether the responsible parent is in receipt of public assistance for the benefit of any of the responsible parent's natural or adopted children during the period(s) for which the support debt is calculated;
- J. Administrative seizure and disposition of property (19A MRSA §2363).
1. Whether the applicable requirements of §2363 have been met;
 2. Whether the responsible parent is in receipt of public assistance for the benefit of any of the responsible parent's natural or adopted children when the property is seized; and
 3. Whether the property seized is exempt from attachment.
- K. Demand for immediate payment (19A MRSA §2352[3])
- Whether the Division's demand for immediate payment is based upon a reasonable belief that collection of the debt is in jeopardy.
- L. Notice of intended setoff of lottery winnings (19A MRSA § 2360)
1. Whether the debt is liquidated; and
 2. Whether post-liquidation events have affected the winner's liability.
- M. Order to appear and disclose (19A MRSA §2361)
- Whether the responsible parent owes \$500 or more in overdue child support, if amount has been owed for at least 60 days and if the responsible parent is not making reasonable, regular payments to reduce the debt.
- N. Order to seize and sell (19A MRSA §2203)
1. Whether the responsible parent owes a support debt;

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2. Whether the support debt could be satisfied in whole or in part by the property seized;
 3. The percentage share of ownership of all persons claiming an ownership interest in the property;
 4. The amount of the debtor's interest in the property that is exempt, and
 5. The value of the interest in the property owned by nonobligor parties with an interest superior to that of the department.
- O. Notice of caretaker relative and change of payee (19A MRSA §2204)

Whether the child for whom support is owed is receiving TANF with a caretaker relative.

8. REVIEWABLE ISSUES THAT ARE NOT SET FORTH IN A REVIEW AFFIDAVIT

At an appeal hearing, the Department may consider reviewable issues that are not set forth in the review affidavit or are not set forth with sufficient clarity to adequately notify the other party of the actual grounds for review, provided that the parties have a reasonable opportunity to seek counsel and prepare arguments on the issues before the hearing.

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PROCEEDINGS TO APPEAL AGENCY

9. UNCREDITED CASH PAYMENTS; NOTICE TO PAY THE PAYOR OF PUBLIC ASSISTANCE DIRECTLY

- A. "Uncredited cash payments" within the meaning of 19A MRSA §2352(1)(G)(2) and the Manual means money paid by the responsible parent for child support for which the responsible parent has not received credit. To receive credit, the responsible parent must have paid the child support by cash, check, money order, or other form of cash payment. Payment must have been made to the TANF recipient or other person or entity, other than the payor of public assistance, expressly named in the court order or administrative decision as the obligee for child support. The Department may not credit the responsible parent for money that the responsible parent sends to a recipient or other obligee named in a support order if the money is forwarded to and received by the payor of public assistance by the recipient or named obligee during the period(s) for which the Division seeks to obligate the responsible parent for child support. The Department may not consider as uncredited cash payments things of value other than money, regardless of to whom given, unless a court expressly authorizes or requires the responsible parent to transfer things of value other than money to satisfy the responsible parent's child support obligation.
- B. If a responsible parent intends to introduce evidence of uncredited cash payments at an appeal hearing on a notice of debt or pre-offset notice of submittal for federal income tax refund intercept, the responsible parent must advise the Division of the particulars of any such claim in the responsible parent's review affidavit and must set forth the claim itself as a ground for the review. The Division's notice of debt and pre-offset notice must advise the responsible parent of this requirement. If a responsible parent does not set forth the particulars of a claim for uncredited cash payments in the responsible parent's review affidavit, the Division may request that the hearing be continued so that the Division may consider the particulars of the claim before the hearing.
- C. At a hearing in which support is assigned under state or federal law, if it appears more likely than not that the responsible parent was notified that no credit for child support would be given for monies not paid directly to and received by the payor of public assistance, the Department may not credit the responsible parent for uncredited cash payments made by the responsible parent after the date of the notice. If the Department or other payor of public assistance credited the responsible parent for uncredited cash payments in a prior hearing decision, the decision shall be considered adequate notice to the responsible parent that support must be paid directly to the payor of public assistance in order to receive credit.
- D. The notice referred to in sub-§C may be oral or written. If oral, notice may be by telephone or in person. If written, notice may be by computer generated notice, letter, or included as part of a notice of support debt issued under 19A MRSA §2352.

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- E. Proof or acknowledgment of service of a notice of support debt issued under 19A MRSA §2352 or a notice of intention to withhold issued under 19A MRSA §2359 which contains the substance of the notice described in sub-§C is presumptive proof that the responsible parent received adequate notice that in order to receive credit the responsible parent must pay the payor of public assistance directly. A copy of a letter or other writing addressed to the responsible parent that states the substance of the notice described in sub-§C is presumptive proof that the responsible parent received adequate notice. Adequate notice is also presumed if the Division's records show that the responsible parent was sent a computer generated notice that contains the substance of the notice described in sub-§C, provided that the notice was sent to the responsible parent's address of record (as evidenced by the Division's computer system) at the time the notice was issued.
- F. Notwithstanding any provision of sub-§§ D and E, the Division shall confirm in writing any oral notice to the responsible parent to pay the payor of public assistance directly. The Division shall confirm oral notice in writing within 10 days. If oral notice is not confirmed in writing within 10 days, the notice to the responsible parent is effective from the date of the written confirmation.

10. LIMITATION ON HEARINGS

If the responsible parent requests a hearing, the responsible parent may not litigate at hearing issues that the responsible parent could have litigated in connection with a prior action taken by the Division. For example:

- A. At a hearing on an order to withhold and deliver, if the responsible parent's support debt has been established by a notice of support debt issued under 19A MRSA §2352, the responsible parent may not litigate issues that could have been litigated at a hearing on the notice of debt at the hearing on the order to withhold and deliver; and
- B. At a hearing on a submittal for federal income tax refund offset, if the responsible parent's support debt has been established prior to the hearing by court or administrative action, the responsible parent may not litigate issues at the hearing that could have been litigated in court at a prior hearing on a notice of debt or a notice of intention to withhold, or at a proceeding to establish or modify a child support obligation.

CHAPTER 12 - PROCEEDINGS TO AMEND OR SET ASIDE ADMINISTRATIVE DECISIONS; PROCEEDINGS TO APPEAL AGENCY

11. FAILURE OF RESPONSIBLE PARENT TO RAISE ISSUES

If at a hearing requested by the responsible parent, the responsible parent does not raise issues that are otherwise reviewable under section 7, the Department shall consider only the issues raised by the responsible parent. The Department shall resolve all reviewable issues that are not raised in favor of the Division.

12. NON-APPEARANCE BY RESPONSIBLE PARENT

If the responsible parent or representative of the responsible parent do not appear at a hearing requested by the responsible parent, the Office of Administrative Hearings will notify the responsible parent that the request for a hearing will be dismissed because of the failure to appear, that the decision of the action being appealed shall take effect and shall advise the responsible parent of the process to reopen the hearing.

CHAPTER 13 - DISPOSITION OF PROCEEDINGS BY SETTLEMENT, STIPULATION OR CONSENT DECISION; WAIVERS

CHAPTER 13 - DISPOSITION OF PROCEEDINGS BY SETTLEMENT, STIPULATION OR CONSENT DECISION; WAIVERS

1. DISPOSITION BY SETTLEMENT, STIPULATION, OR CONSENT DECISION

A. Authority

Pursuant to 5 MRSA §9053(2), the Department, through the Division, may resolve any proceeding or any issue in a proceeding under 19A MRSA §§2304, 2359 or 2451, by agreed settlement, stipulation or consent decision.

B. Decision Rendered upon oral settlement or stipulation

If an agreed settlement or stipulation (that includes a specific consent by the responsible parent to the rendering of a decision in accordance therewith) be entered orally on the record by the responsible parent and the Division representative (or by either of them in the presence of the other, and agreed to on the record by the other) at a hearing, a decision shall be rendered in accordance therewith by the hearing officer, provided that the proposed disposition of the proceeding is in accord with the provisions of the Manual.

C. Decision rendered upon written settlement or stipulation

If a written agreement or stipulation (that includes a specific consent by the responsible parent to the rendering of a decision in accordance therewith), duly acknowledged by the responsible parent, is presented to the hearing officer, whether at or prior to the date and time of a hearing or a continued hearing (with or without the presence of the responsible parent), a decision shall be rendered in accordance therewith by the hearing officer, provided that the proposed disposition of the proceeding is in accord with the provisions of the Manual.

D. Presentation or decision

At the option of the Division, the decision to be rendered in accordance with such an oral or written agreement or stipulation may be presented to the hearing officer simultaneously with the agreement or stipulation. If the agreement or stipulation is in writing, the decision may be part of the same document as the agreement or stipulation itself, or it may be presented as a separate document.

CHAPTER 13 - DISPOSITION OF PROCEEDINGS BY SETTLEMENT, STIPULATION OR CONSENT DECISION; WAIVERS

2. WAIVERS

A. Waiver of notice

A responsible parent may waive any requirement with respect to service of a Notice of Hearing, receipt of a Notice of Review Hearing or receipt of a notice of hearing to set aside a default decision. The waiver may be made orally on the record before the hearing officer or it may be made in writing.

B. Waiver of hearing

Either party to a proceeding may waive that party's right to a hearing. The waiver may be made orally on the record before the hearing officer or it may be made in writing.

C. Form of waiver

A waiver may be set forth in a written agreement, stipulation, consent decision or decision after hearing. Other forms of waiver are permitted if duly executed and witnessed.

CHAPTER 14 - COLLECTION OF SUPPORT DEBT GENERAL RULES

CHAPTER 14 - COLLECTION OF SUPPORT DEBT GENERAL RULES

1. AVAILABILITY OF COLLECTION-OF-SUPPORT-DEBT MECHANISMS TO THE DIVISION

- A. The following collection-of-support-debt mechanisms are available to the Division in any combination or sequence (except as limited by 19A MRSA § 2302 and by 6.1, p.24), for the Department and its non-TANF clients, and for other states, their IV-D Agencies and non-TANF clients of such agencies.
1. Any action pursuant to 19A MRSA § §2357, 2358, 2359, 2360, 2363 and 2364;
 2. Submittal to IRS for Federal Income Tax Refund Offset;
 3. Submittal to the Maine State Tax Assessor for State Income Tax Refund Offset;
 4. Certification to IRS for full collection of the debt; and
 5. Any other administrative or judicial collection-of-support-debt mechanism provided for by or permitted under Federal or State law.
- B. A responsible parent shall be exempt from the utilization of a particular mechanism only if and to the extent such an exemption is expressly granted by the Division in a written agreement between the responsible parent and the Division with respect to a particular past-due child support debt. Such an agreement shall be effective as an exemption only:
1. From such collection-of-debt mechanism(s) as is/are set forth therein;
 2. For the period of time specified therein;
 3. For so long as the responsible parent is in full compliance therewith; and
 4. If, in the case of a submittal for Federal Income Tax Refund Offset, the agreement was executed prior to the date of the pre-offset notice; or
 5. If, in the case of a submittal for State Income Tax Refund Offset, the agreement was executed prior to the date of notification to the State Tax Assessor (17.2).
- C. Notwithstanding the provisions of sub-§B, in the event of the failure of the Division to enter into a written exempting agreement in connection with the execution of an assignment of earnings, a responsible parent, upon a review of a collection-of-support-debt mechanism, may establish the making of an oral exempting agreement, which agreement, if and as found by the hearing officer to have been made, shall have the same effect under sub-§B as a written agreement. Nothing

CHAPTER 14 - COLLECTION OF SUPPORT DEBT GENERAL RULES

contained in this subsection is intended nor shall it be construed as a basis for varying the terms of a written exempting agreement.

2. EXEMPT PROPERTY

- A. Weekly earnings. Pursuant to 19A MRSA §2356, the maximum part of a responsible parent's weekly aggregate disposable earnings that are subject to garnishment or income withholding initiated pursuant to the Alternative Method of Support Enforcement is:
1. Fifty percent (50%) of the responsible parent's weekly earnings when the responsible parent is supporting a spouse or dependent child, other than the spouse or child for whose benefit garnishment or income withholding is initiated;
 2. Fifty-five percent (55%) of the responsible parent's weekly earnings when the responsible parent is supporting a spouse or dependent child other than the spouse or child for whose benefit garnishment or income withholding is initiated, providing that the support arrearage owed by the responsible parent has been owed for at least twelve (12) weeks;
 3. Sixty percent (60%) of the responsible parent's weekly earnings when the responsible parent is not supporting a spouse or dependent child, other than the spouse or child for whose benefit garnishment or income withholding is initiated; and
 4. Sixty-five percent (65%) of the responsible parent's weekly earnings when the responsible parent is not supporting a spouse or dependent child, other than the spouse or child for whose benefit garnishment or income withholding is initiated, providing that the support arrearage owed by the responsible parent has been owed for at least twelve (12) weeks.
- B. Other property. Property exempt from garnishment or income withholding under federal law is exempt from garnishment or income withholding initiated pursuant to the Alternative Method of Support Enforcement.
- C. "Weekly aggregate disposable earnings," as used in subsection A, means the responsible parent's weekly disposable earnings from all sources. "Disposable earnings" and "earnings" are defined as in 19A MRSA § 2101(5) and (6).

CHAPTER 15 - RULES RELATING TO ALTERNATIVE METHOD COLLECTION-OF-SUPPORT DEBT MECHANISMS

CHAPTER 15 - RULES RELATING TO ALTERNATIVE METHOD COLLECTION-OF-SUPPORT DEBT MECHANISMS

1. ASSERTION OF LIENS (19A MRSA § 2357)

- A. The Division may file and serve liens under 19A MRSA § 2357 in accordance therewith and also as provided by 19A MRSA § 2352(3).
- B. A certificate of lien must contain a notice to the responsible parent advising him or her of the right to an administrative review of the filing and serving of the certificate of lien, the time period within which such a review must be requested, the grounds for such a review, and the issues which may be considered and determined upon such a review.
- C. "A determination", within the meaning of 19A MRSA § 2357, is deemed to refer only to a determination that the statutory requirements for the filing of the certificate of lien have not been complied with or a determination that the debt set forth in the certificate of lien has been wholly paid.
- D. The Division may execute any "release or waiver" referred to in 19A MRSA § 2357(3)(A).
- E. The Division may release a lien on all or part of the property of the responsible parent pursuant to 19A MRSA § 2365 if it deems adequate an assurance of payment or if it determines that collection of the debt will be facilitated.
- F. Public Law 1994, chapter 607, subsection 9 notwithstanding, any administrative decision that sets a support obligation and which is received by a responsible parent, including a decision issued under either former 19 MRSA §§498 or 498-A, is a lien in favor of the Division for the amount stated in the decision.

2. ORDER TO WITHHOLD AND DELIVER (19A MRSA § 2358)

- A. An employer or other payor of earnings who is served with an order to withhold and deliver must:
 - 1. Immediately begin to withhold earnings.
 - 2. Immediately after 20 days from the date of receipt of the order to withhold and deliver, forthwith deliver to the Department all earnings previously withheld, and thereafter send all amounts withheld from earnings to the Department within 7 business days of the date the responsible parent is paid. (Monies withheld from the debtor's earnings may be combined with monies withheld from other employees'/payee's earnings if the portion of the single payment which is attributable to the debtor is separately identified, provided that such combining of

CHAPTER 15 - RULES RELATING TO ALTERNATIVE METHOD COLLECTION-OF-SUPPORT DEBT MECHANISMS

monies withheld does not result in the failure to send the amount withheld from the debtor's earnings to the Department within 7 business days of the date the debtor is paid.)

The failure of an employer or other payor of earnings to honor this rule constitutes a failure to honor the order to withhold and deliver, within the meaning of 19A MRSA § 2366.

- B. The Division may release an order to withhold and deliver on all or part of the property of the responsible parent pursuant to 19A MRSA § 2365 if it deems adequate an assurance of payment or if it determines that collection of the debt will be facilitated.
- C. Public Law 1994, chapter 607, subsection 10 notwithstanding, the Division may use an Order to Withhold and Deliver to enforce any administrative decision issued by the Department, including administrative decisions issued under former 19 MRSA §§498 and 498-A.

3. ADMINISTRATIVE SEIZURE AND DISPOSITION OF PROPERTY (19A MRSA § 2363)

The Division may return seized property pursuant to 19A MRSA § 2365 if it deems adequate an assurance of payment or if it determines that collection of the debt will be facilitated.

4. FORECLOSURE ON LIENS (19A MRSA § 2364)

In any action to foreclose a lien filed pursuant to 19A MRSA § 2357, the Department shall notify the responsible parent that there are certain property exemptions under State and federal law that may be available to him in connection with such foreclosure.

5. ASSIGNMENT OF EARNINGS (19A MRSA § 2368)

An employer or other payor of earnings to whom an assignment of earnings is presented must send the amount of money withheld from the assignor's earnings to the Department within 7 business days of the date the assignor is paid. (Monies withheld from the assignor's earnings may be combined with monies withheld from other employees'/payee's earnings if the portion of the single payment which is attributable to the assignor is separately identified, provided that such combining of monies withheld does not result in the failure to send the amount withheld from the assignor's earnings to the Department within 7 business days of the date the employee-payee is paid.) The failure of an employer or other payor of earnings to honor this rule shall constitute a failure to honor the assignment of earnings, within the meaning of 19A MRSA § 2366.

6. SETOFF OF DEBTS AGAINST LOTTERY WINNINGS (19A MRSA § 2360)

CHAPTER 15 - RULES RELATING TO ALTERNATIVE METHOD COLLECTION-OF-SUPPORT DEBT MECHANISMS

The Department of Finance, Bureau of Lottery may offset lottery winnings of persons owing a liquidated debt of support to the Department. Debts owed to the Department include debts owed to non-TANF clients of the Department.

If within 90 days of the mailing of a notice of intended setoff to the winner the Department certifies to the Bureau that the winner did not make a timely request for a hearing under 12.4 (D)(2) or a hearing was held and a debt was upheld, the Bureau shall offset the liquidated debt against the winnings and refund any remaining winnings to the winner.

7. CONSUMER CREDIT REPORTING

The Department is required by State and Federal law to provide information to credit reporting agencies concerning support debts. 10 MRSA § 1329; 45 CFR § 303.105. The Department may report debts of over \$1,000.00 to a credit reporting agency by computer matching tape. Although credit reporting is not a collection action *per se*, the Department may report support debts of less than \$1,000.00 if the debt remains unpaid for 90 days and the responsible parent refuses to execute and comply with a written repayment agreement.

8. HEALTH INSURANCE COSTS

Public Law 1994, chapter 607, subsection 8 notwithstanding, if a responsible parent does not obtain health insurance coverage as required by an administrative decision, including a decision under former 19 MRSA §§498 or 498-A, that parent is liable for any expenses incurred for dependent children that would have been paid by the insurance coverage, regardless of the amount of the expenses. This liability may be enforced as a child support debt under these rules or by judicial action.

CHAPTER 16 - FEDERAL INCOME TAX REFUND OFFSET

CHAPTER 16 - FEDERAL INCOME TAX REFUND OFFSET

1. IMPLEMENTATION OF FEDERAL MANDATE

Pursuant to the requirements of federal regulations (45 CFR § 302.60) that (1) procedures be established for obtaining past-due child support from federal income tax refunds as set forth in 42 U.S.C. § 664, and that (2) the necessary steps be taken to implement and use these procedures, and in accordance with the relevant Action Transmittals of OCSE, the Department herewith establishes the following as its rules for obtaining past-due child support from federal income tax refunds.

2. THE SUBMITTAL

The Division shall submit periodically to OCSE the names of responsible parents owing past-due child support in those cases in which:

- A. The support obligation has been established under (1) a court order or judgment for the support of dependent child(ren) issued by any court of the State of Maine or another state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico, including an order in a final decree of divorce or an order established under URESA or (2) an administrative decision, or (3) an order of administrative process established under the law of any other state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico;
- B. There has been an assignment of support to the State; there is a child support order in favor of the state for TANF, IV-E Foster Care, or Medicaid expenditures; or the order, judgment, or decision is being enforced under Rule 4.5 (non-welfare contract) or 4.6 (Continuation of IV-D Services) of the Manual.
- C. Where support has been assigned to the State, the past-due support is not less than \$150.00;
- D. Where the order, judgment, or decision is being enforced under Rule 4.5 (non-welfare contract) of the Manual, the past-due support is not less than \$500.00, the support is owed to or on behalf of a minor child who will not have attained 18 years of age prior to January 1 of the next calendar year, and, at the option of the Division, the amount has accrued since the Division has begun to enforce the support order;
- E. The past-due child support debt has been delinquent for three months or longer;
- F. The Division has in its records a copy of the order and any modifications upon which the amount referred is based which specify the date of issuance and amount of support, and a copy of the payment record, or, if there is no payment record, an affidavit or a declaration under the penalty of perjury or a statement affirmed under

CHAPTER 16 - FEDERAL INCOME TAX REFUND OFFSET

the penalty for unsworn falsification signed by the custodial parent attesting to the amount of support owed; and

G. The Division has verified the accuracy of the past-due support amount.

3. EXEMPTION FROM COLLECTION OF ARREARAGE DEBT BY OFFSET

A responsible parent shall be exempt from collection of a past-due child support debt by federal income tax refund offset:

- A. If it is established that he was in receipt of public assistance (as defined by 5.1) on the date of the notice to the responsible parent from IRS that his income tax refund or a portion thereof has been offset against his child support debt; or,
- B. If a written agreement between the responsible parent and the Division expressly exempts the responsible parent from submittal for federal income tax refund offset for that debt. Such written agreement must predate the date of the pre-offset notice and be fully complied with by the responsible parent on that date.

4. IDENTIFICATION OF DEBTORS

The Division shall identify individuals whose names are to be submitted for tax federal income refund offset at least 15 days prior to submission.

5. NOTIFICATION TO RESPONSIBLE PARENT

- A. Form and Time of Notice (Pre-offset Notice)
- B. The Division shall mail a written, computer-generated notice to the last known address of all selected responsible parents informing them of the Department's intention to seek offset of their federal income tax refunds (the pre-offset notice) the first time the responsible parent is submitted. A notice is not required for each periodic submittal. The issuance of the notice may occur before or coincident with the submission of the offset list to OCSE.

- C. Contents of Pre-offset Notice

The notice shall inform the responsible parent:

- 1. Of the amount of the debt for past-due child support.
- 2. That the Division's action to seek offset is subject to Departmental administrative review; and, of the grounds for and issues that may be considered upon such a review.
- 3. That as an alternative to an administrative review by the Department, the responsible parent may request an administrative review in that state where the

CHAPTER 16 - FEDERAL INCOME TAX REFUND OFFSET

support order, judgment or decision was rendered and upon which is based the Division's determination that past-due support is owed.

4. That a properly prepared request for Departmental review postmarked not later than a date to be specified by the Division should reasonably be expected to result in the timely implementation of the administrative hearing decision rendered upon such a review. (In no case shall the responsible parent be given less than 20 days in which to request a review of the offset submittal.)
5. That properly prepared requests for a Departmental review which are postmarked after the date to be specified by the Division will result in an administrative review hearing but may not result in the timely implementation of a resultant decision. In such event any distribution of funds that might be required by the hearing officer's decision will not occur until the refund offset is received by the Department from the U.S. Treasurer.
6. That the request for review must be postmarked not later than the 30th day following the date of the notice to the responsible parent from IRS that his income tax refund or a portion thereof has been offset for his child support debt (notice of offset), or be delivered to any office of the Department not later than such 30th day; otherwise, the right to the administrative review shall lapse.
7. That in the case of a joint return, the IRS will notify the responsible parent's spouse at the time of offset regarding the steps to take in order to protect the share of the refund which may be payable to that spouse.

6. NOTIFICATION TO RESPONSIBLE PARENT'S SPOUSE**A. Form and time of Notice**

- B. The pre-offset notice shall inform the responsible parent's spouse of his rights. This notice shall apply to any non-obligated spouse who is not individually liable for the child support debt being assessed against his spouse.

C. Contents of Notice to Non-obligated Spouse

The notice shall inform the individual:

1. That the entire joint tax refund will be applied to the obligated spouse's indebtedness, unless the non-obligated spouse takes appropriate steps to obtain his *pro rata* share.
2. That if the non-obligated spouse has earnings in that tax year and wants to receive his share of the refund, he may file an amended tax return, on IRS form 1040X.

CHAPTER 16 - FEDERAL INCOME TAX REFUND OFFSET

3. That the amended tax return may be filed once the notice of offset has been received from the IRS. That upon filing a form I040X, listing the spouses' separate incomes and deductions, the IRS will determine the amount due and forward that amount to the non-obligated spouse, usually within 6 to 8 weeks; and that the local IRS office will provide blank I040X forms and assistance in filing.

7. CHANGES SUBSEQUENT TO NOTIFICATION OF OCSE

The Deputy Director of OCSE shall be notified in writing of any decrease in or elimination of a past-due support debt referred for collection by federal income tax refund offset.

8. JOINT RETURNS

The Department is without jurisdiction to resolve issues relating to joint income tax returns, i.e., returns on which one of the filers is not the responsible parent whose name was submitted for offset. The Division shall refer all responsible-parent and other joint filers presenting complaints or questions concerning the joint-return aspect of offset cases to the IRS Service Center that has issued the notice of offset to the responsible parent and the joint filer.

9. DISTRIBUTION OF COLLECTIONS FROM FEDERAL INCOME TAX REFUND OFFSET

Collections from federal income tax refund offset shall be applied first to the satisfaction of any past-due support arrearage or debt for public assistance owed by the responsible parent to the Department, and then toward reduction of any past-due support arrearage due a non-TANF client by the responsible parent. The Department shall inform persons applying for services under 45 CFR 302.33 of the foregoing by means of its non-welfare contract, and shall inform persons entitled to support enforcement services under 42 USC 657(c) of the foregoing by means of the notice informing them of their entitlements to such services.

10. EXCESS PAYMENT

If the amount received as a result of the income tax refund offset exceeds the past-due support debt, the excess shall be repaid to the responsible parent whose refund was offset as soon as possible after the payment is received and is identified as being excessive.

11. DISTRIBUTION OF NON-TANF OFFSET COLLECTIONS

- A. In cases where the Secretary of the U.S. Treasury, through OCSE, notifies the State that an offset is being made to satisfy non-TANF past-due support from a refund based on a joint return, the Department may delay distribution until notified that the

CHAPTER 16 - FEDERAL INCOME TAX REFUND OFFSET

unobligated spouse's proper share of the refund has been paid or for a period not to exceed six months from notification of offset, whichever is earlier.

- B. Where or to the extent offset has been made to satisfy non-TANF past-due support, if a request is made by the responsible parent for an administrative review of the offset action, distribution of the non-TANF offset monies to the non-TANF client shall not be made until the administrative review has been completed and all legal remedies of the offset responsible parent have been exhausted.

12. DEPARTMENT'S ENTITLEMENT TO RETURN OF AND RIGHT TO RECOVER NON-TANF OFFSET MONIES WHICH A NON-TANF CLIENT IS NOT ENTITLED TO RETAIN

The Department shall be entitled to the return of and may recover from a non-TANF client any non-TANF offset monies which have been distributed to the non-TANF client but which the non-TANF client is not entitled to retain. A non-TANF client is not entitled to retain so much of the distributed non-TANF offset monies as is equal to the amount of non-TANF offset monies the Department has then required or obliged to return to the offset responsible parent or which have been debited against the Department's offset-monies account by IRS/OCSE. Upon the failure of a non-TANF client to comply with a demand in writing by the Department for the return to it of the amount of non-TANF offset monies the Department has been required or obliged to return to or credit to the account of the offset responsible parent or which have been debited against its offset-monies account by IRS/OCSE, the Department may proceed by set-off as well as by court action to recover the amount of such monies from the non-TANF client.

13. APPLICABILITY OF FORMER 19 MRSA § 303

Computation of a child support arrearage/debt under a Maine court order which establishes or modifies a child support obligation shall be governed by 19 MRSA § 303(1), as enacted by PL 1989, c. 156 (the first paragraph of 19 MRSA § 303, as enacted by PL 1969, c. 175), if the order was issued on or after October 1, 1969 and before April 17, 1990.

CHAPTER 17 - STATE INCOME TAX REFUND OFFSET

CHAPTER 17 - STATE INCOME TAX REFUND OFFSET

1. NOTIFICATION TO STATE TAX ASSESSOR

The Division shall notify the State Tax Assessor annually of all responsible parents who owe a liquidated debt to the Department which:

- A. Accrued under an assigned support obligation; and
- B. Is greater than \$25.00.

The Division shall provide the State Tax Assessor with information needed to identify each responsible parent submitted for offset. The State Tax Assessor shall set off liquidated debts owed to the Department against any refund due the responsible parent (36 MRSA § 5276-A).

2. EXEMPTION FROM COLLECTION OF DEBT BY OFFSET

A responsible parent shall be exempt from collection of a past-due child support debt by State income tax refund offset:

- A. If it is established that he was in receipt of public assistance (as defined by 5.1) on the date of offset by the State Tax Assessor (17.6); or,
- B. If there is in existence a written agreement between the responsible parent and the Division that expressly exempts the responsible parent from submittal for State income tax refund offset for that debt. Such written agreement must predate the date of notification of the State Tax Assessor (17.2) and be fully complied with by the responsible parent on that date.

3. CHANGES SUBSEQUENT TO NOTIFICATION

The Division shall notify the State Tax Assessor of any decrease in or elimination of past-due child support debt, which it has submitted for collection by State Income Tax Refund Offset.

4. REVIEW HEARING

Under 36 MRSA § 5276-A, a responsible parent must be given notice in writing by the State Tax Assessor of (1) an intended income tax refund setoff; and (2) the right to an administrative review of the intended setoff, if such review is requested within 30 days following the responsible parent's receipt of the notice. Such a review is deemed to be a review for all purposes within the meaning of 19A MRSA § 2451 and this Manual.

5. FINALIZATION OF OFFSET

CHAPTER 17 - STATE INCOME TAX REFUND OFFSET

If within 90 days of the Tax Assessor's notice to the responsible parent the Division certifies to the State Tax Assessor either that the responsible parent did not make a timely request for an administrative review hearing or that an administrative review hearing was held and a liquidated debt was determined after hearing to be due the Department, the State Tax Assessor shall offset the liquidated debt against the fund due the responsible parent. Otherwise, the Tax Assessor shall release the entire refund to the responsible parent.

6. JOINT RETURNS

The Department is without jurisdiction to resolve issues relating to joint income tax returns, i.e., returns on which one of the filers is not the responsible parent whose name was submitted for offset. The Division shall refer all responsible-parent and other joint-filers presenting complaints or questions concerning the joint return aspect of offset cases to the State Tax Assessor.

7. ACCOUNTING AND DISTRIBUTION

The entire amount of any offset made against a child-support debt shall be credited to the account of the responsible-parent whose refund has been offset.

8. EXCESS PAYMENT

If the amount received as a result of the refund offset exceeds the past-due support debt, the excess shall be repaid to the responsible parent whose refund was offset as soon as possible after the payment is received and identified as being excessive.

9. DISTRIBUTION OF COLLECTIONS FROM STATE INCOME TAX REFUND OFFSET

Collections from Maine state income tax refund offset shall be applied first to the satisfaction of any past-due support arrearage or debt for public assistance owed by the responsible parent to the Department or other payor of public assistance, and then toward reduction of any past-due support arrearage due a non-TANF client by the responsible parent. The Department shall inform persons applying for services under 45 CFR 302.33 of the foregoing by means of its non-welfare contract, and shall inform persons entitled to support enforcement services under 42 USC 657(c) of the foregoing by means of the notice informing them of their entitlement to such services.

CHAPTER 17 - STATE INCOME TAX REFUND OFFSET

10. DEPARTMENT'S ENTITLEMENT TO RETURN OF AND RIGHT TO RECOVER NON-TANF OFFSET MONIES WHICH A NON-TANF CLIENT IS NOT ENTITLED TO RETAIN

The Department shall be entitled to the return of and may recover from a non-TANF client any non-TANF offset monies which have been distributed to the non-TANF client but which the non-TANF client is not entitled to retain. A non-TANF client is not entitled to retain so much of the distributed non-TANF offset monies as is equal to the amount of non-TANF offset monies the Department has been required or obliged to return to the offset responsible parent. Upon the failure of a non-TANF client to comply with a demand in writing by the Department for the return to it of the amount of non-TANF offset monies the Department has been required or obliged to return to or credit to the account of the offset responsible parent, the Department may proceed by set-off as well as by court action to recover the amount of such monies from the non-TANF client.

CHAPTER 18 - UNEMPLOYMENT COMPENSATION

CHAPTER 18 - UNEMPLOYMENT COMPENSATION

1. STATUTORY AUTHORITY

Pursuant to 26 M.R.S.A. § 1191(7), the Department, acting as the State's child support enforcement agency, and the Commissioner of the Department of Labor are required to take action that results in the withholding of unemployment compensation benefits from responsible parents who owe child support obligations payable to the Department.

2. PROCEDURE

- A. The Division shall provide the Department of Labor with a magnetic tape or other automated process no less often than bi-weekly that identifies each responsible parent who owes a child support obligation payable to the Division. The Division's tape or automated process shall include the amount of the responsible parent's current parental support obligation and the amount of the responsible parent's debt for past-due support.
- B. If a responsible parent reported by the Division pursuant to paragraph A receives unemployment compensation benefits from the Department of Labor, the Department of Labor shall withhold benefits that exceed the state income exemption amount as calculated under 19A MRSA § 2356, up to the amount of the responsible parent's child support obligation, which includes the current parental support obligation and any debt for past-due support. The Department of Labor shall send benefits withheld to the Department within 10 days of the withholding for credit against the responsible parent's child support obligation.
- C. Paragraph A notwithstanding, the Division may seek to withhold unemployment compensation benefits by legal process if a responsible parent owes a child support obligation being enforced under the State's Title IV-D state plan. The Division may initiate withholding by issuing the payor an Order to Withhold and Deliver, Income Withholding Order, Assignment of Earnings or other valid legal order, writ, process, or instrument for withholding as and when authorized by law.

CHAPTER 19 - PERIODIC REVIEW AND MODIFICATION OF SUPPORT ORDERS

CHAPTER 19 - PERIODIC REVIEW AND MODIFICATION OF SUPPORT ORDERS

1. PURPOSE

Not less than once every 3 years, the Division shall send written notice to parents who are subject to a support order being enforced by the Division of the right to have the order reviewed and, if appropriate, modified according to the applicable child support guidelines. Any parent may request the Division to review that parent's support order.

2. PROVISIONS SUPPLEMENTAL

The provisions of this chapter are in addition to existing procedures that permit modification of child support orders. The provisions in Chapter 12 of the Manual that permit amendments of administrative decisions remain in effect and may be used as an alternative to the provisions of this chapter.

3. DEFINITIONS

For purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings:

- A. "Parent" means any custodial parent, noncustodial parent, caretaker relative, or other legal custodian of a dependent child.
- B. "Review" means an objective evaluation of information necessary to determine whether a current parental support obligation varies from the State's Child Support Guidelines and whether a support order requires the responsible parent to obtain or maintain health insurance coverage if available at reasonable cost.
- C. "Substantial change of circumstances" means that a current parental support obligation varies more than 15% from a parental support obligation determined under 19A MRSA § 2006, provided that the support order was not based on a deviation from the guidelines pursuant to 19A MRSA § 2007.
- D. "Support order" means the child support and health insurance obligations established by a court order of support or an administrative decision.

4. REVIEW OF SUPPORT ORDERS

The Division shall review the support order if there has been a substantial change in circumstances or if more than three years have passed from the date the support order was established or last modified except if:

- A. The child is over the age of 17 years and 8 months when the support order is scheduled for review. This age limitation does not apply if the Division reasonably

CHAPTER 19 - PERIODIC REVIEW AND MODIFICATION OF SUPPORT ORDERS

may conclude that the support order will continue by its terms beyond the child's 18th birthday; or

- B. The Division determines in accordance with regulations issued by the Secretary of the U.S. Department of Health and Human Services that a review of the support order would not be in the best interests of the child and neither parent subject to the support order has requested a review.

This section also applies in cases in which medical support rights are assigned to the Department under 42 C.F.R. § 433.146 (non-TANF Medicaid) and those cases in which there is an assignment of child support rights to the Department under § 471(a)(17) of the Social Security Act (Foster Care).

5. ADVANCE NOTICE OF REVIEW

- A. At least 30 days before the Division reviews a support order under this chapter, the Division shall send each parent subject to the support order written notice of the Division's intention to review the support order to determine whether it is consistent with the State's Child Support Guidelines and whether it requires the responsible parent to provide health insurance coverage if available at reasonable cost.
- B. The Division shall send the advance notice of review to each parent by regular mail. An advance notice of review is adequate notice of the Division's intention to review the support order if the notice is sent to each parent's most recent address as evidenced by the Department's records. If a parent is not known to the Division, the Division shall verify the parent's address before sending the notice. The Division is not required to establish that either parent received actual notice of the Division's intention to review the support order at a hearing to amend an administrative decision. If based on a review the Division pursues modification or amendment of the support order, either parent may contest the Division's findings in the proceeding to modify or amend the support order.

6. REQUIREMENT TO COMPLETE INCOME AFFIDAVITS; SANCTIONS

When notified of the Division's intention to review a support order, both parents are required to submit a completed income affidavit to the Division within 30 days. The Division shall provide each parent with a blank income affidavit form and instructions for its completion along with the advance notice of review. If a parent does not submit timely a completed income affidavit and there is insufficient reliable information about the parent's income, the Division may presume that the parent has an earning capacity equal to the average weekly wage of a worker within this State as determined by the most recent Department of Labor statistics found at Appendix A of the Manual.

7. NOTICE OF REVIEW FINDINGS

- A. Upon completing a review of a support order, the Division shall notify each parent by regular mail of the results of the review and whether the Division intends to pursue modification or amendment of the support order.

CHAPTER 19 - PERIODIC REVIEW AND MODIFICATION OF SUPPORT ORDERS

- B. A notice of review findings is deemed adequate notice of the Division's findings if the notice is sent to each parent's most recent address as evidenced by the Department's records. The Division is not required to establish that either parent received actual notice of the results of the review at a hearing to amend an administrative decision. If based on a review the Division pursues modification or amendment of the support order, either parent may contest the Division's findings in the proceeding to modify or amend the support order.
- C. Either parent may submit written comments and additional information to the Division within 30 days of the date of mailing of a notice of review findings. The Division shall consider any written comments or additional information submitted timely as part of the review. The Division shall provide copies of any written comments and additional information submitted to the other parent and shall notify both parents by regular mail whether the written comments or additional information affects the Division's findings. The Division's review of a support order under this chapter is not subject to an administrative appeal hearing. A notice sent by the Division in response to comments or additional information submitted by either parent is final agency action as defined by 5 MRSA §8002(4) and is subject to judicial review under 5 MRSA §11001.

8. MOTION TO MODIFY SUPPORT

If upon review of a court order of support the Division finds a substantial change of circumstances since the order was established or last modified, or that the court order of support does not require the responsible parent to obtain or maintain health insurance coverage if available at reasonable cost, the Division may request the Department of Attorney General to file a motion to modify support pursuant to 19A MRSA § 2009.

9. AMENDMENT HEARING; DECISION AFTER HEARING; EFFECTIVE DATE OF AMENDED DECISION

- A. Notice.** If upon review of a support obligation established by an administrative decision the Division finds a substantial change of circumstances since the decision was issued or last amended, or that the decision does not require the responsible parent to obtain or maintain health insurance coverage if available at reasonable cost the Division may seek an amendment of the support order. If so, the Division shall provide each parent with a review affidavit that states the factual basis of the Division's findings and a notice of hearing that states the date, time, and place of the hearing to amend the decision. The Division shall serve (as provided by 19A MRSA §2253 (3) or §2254) the review affidavit and notice of hearing upon a parent who did not request the review, unless that parent's right to current support is assigned to the Department, and shall send the review affidavit and notice of hearing by regular mail to a parent who requested the review or whose right to current support is assigned to the Department. Notice by regular mail to a parent who requested the review or a parent whose right to current support is assigned to the Department is adequate

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notice of the subject, date, time and place of the hearing. The Division need not prove that a parent who requested the review or a parent whose right to current support is assigned to the Department received actual notice of the subject, date, time and place of the hearing. Along with the notice, the Division also shall provide copies of both parents' income affidavits, if provided, and the Division's Child Support Worksheet.

- B. Decision after hearing.** The Department shall determine by a decision after hearing whether the responsible parent's support obligation is consistent with the support guidelines and whether the decision requires the responsible parent to obtain or maintain health insurance coverage if available at reasonable cost. The Department shall explain the factual basis for its computation of the responsible parent's parental support obligation in its decision, and shall refer with specificity to any other evidence relied on that is relevant to its determination of the responsible parent's support obligation under 19A MRSA § 2006. If the Department finds that the responsible parent's support obligation varies from the support guidelines by more than 15% or does not require the responsible parent to obtain or maintain health insurance coverage if available at reasonable cost, the Department shall issue an amended decision based on the support guidelines and health insurance requirements of 19A MRSA § 2304. If the Department finds that the responsible parent's support obligation does not vary from the support guidelines by more than 15% and requires the responsible parent to obtain or maintain health insurance coverage if available at reasonable cost, the Department shall find that there is no substantial change of circumstances and shall not issue an amended decision. For purposes of determining the responsible parent's current parental support obligation, if there is insufficient reliable information about the responsible parent's income, the Department shall presume that the responsible parent has an earning capacity equal to the average weekly wage of a worker within this State as determined by the Department of Labor statistics. If neither parent objects to the Division's calculation of the responsible parent's current parental support obligation the Department shall issue a decision that is consistent with the Division's calculations.
- C. Effective date of amended decision.** If the Department amends the decision, the decision is effective from the date that the parent adversely affected by the decision was served or otherwise notified by the Division of the amendment hearing.

CHAPTER 19 - PERIODIC REVIEW AND MODIFICATION OF SUPPORT ORDERS

10. REQUEST FOR REVIEW OF SUPPORT ORDERS ISSUED BY OTHER STATES

If the Department receives a request to review a support order issued by a court or administrative agency of another state the Division may request the Title IV-D agency of the state that requested the review or that issued the support order to review the amount of the support order to determine whether it is consistent with that state's support guidelines. The Division shall review support orders in interstate cases only as and when required by federal regulations.

CHAPTER 20 - DISCLOSURE OF INFORMATION PURSUANT TO 19A MRSA § 2152

CHAPTER 20 - DISCLOSURE OF INFORMATION PURSUANT TO 19A MRSA § 2152

1. REQUESTS FOR INFORMATION

Unless an alleged responsible parent is a putative father of a child conceived and born out-of-wedlock, the Division may request of any person information relating to the following matters concerning a responsible parent or alleged responsible parent:

- A. Complete name;
- B. Date and place of birth;
- C. Social security number;
- D. Current or last known address;
- E. Present and past employment status;
- F. Earnings;
- G. Assets and liabilities;
- H. Availability and description of present or previous health insurance coverage for a dependent child; and
- I. Health insurance benefits paid or applied for under a policy of health insurance for a dependent child.

2. NOTICE TO THE RESPONSIBLE PARENT

Whenever the Division makes a request under 20.1 it shall notify the responsible parent or alleged responsible parent by regular mail at his or her last known address.

3. PENALTY FOR KNOWING FAILURE TO RESPOND, KNOWING FAILURE TO DISCLOSE, OR KNOWING REFUSAL TO DISCLOSE

Knowing failure to respond to a request for information within 10 days after service is a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. Knowing refusal or knowing failure to disclose to the Department any of the information described in 20.1 or that is sought in a request for information by the Department, the disclosure of which is not prohibited by federal or State statute, or which is not privileged under the Maine Rules of Evidence, is a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

4. LIMITATION IF ALLEGED RESPONSIBLE PARENT IS A PUTATIVE FATHER

CHAPTER 20 - DISCLOSURE OF INFORMATION PURSUANT TO 19A MRSA § 2152

If an alleged responsible parent is a putative father of a child conceived and born out-of-wedlock, the Division may only request information relating to the following matters concerning the alleged responsible parent:

- A. Complete name;
- B. Date and place of birth;
- C. Social security number;
- D. Current or last known address; and
- E. Present and past employment status.

5. IMMUNITY FROM LIABILITY

A person may disclose to the Division any of the information described in 20.1 that is sought in a request by the Division, the disclosure of which is not prohibited by federal or State statute or which is not privileged under the Maine Rules of Evidence, without incurring any liability to any other person because of the disclosure.

6. FACILITATION OF RESPONSES

A request must be accompanied by a prepaid, pre-addressed envelope.

7. AFFIRMATION OF RESPONSES

The Division may require that a request be affirmed under the penalties for unsworn falsification (17-A MRSA § 453).

8. CONFIDENTIALITY OF INFORMATION; UNLAWFUL DISSEMINATION

All information collected pursuant to this chapter is confidential. It is available for use by appropriate Division personnel and legal counsel only. It may only be used for carrying out official duties of the Division. A person may be guilty of unlawful dissemination if that person knowingly disseminates information collected by the Division pursuant to this chapter. Unlawful dissemination is a class E crime which is punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days.

CHAPTER 20 - DISCLOSURE OF INFORMATION PURSUANT TO 19A MRSA § 2152

9. ADMISSIBLE EVIDENCE

Information provided by any person pursuant to 19A MRSA §2152 is admissible as a public record pursuant to the Maine Rules of Evidence 803(8)(A) and is not within the investigative report exception found in the Maine Rules of Evidence 803(8)(B) because the information is provided pursuant to a duty imposed by law and is inherently reliable.

CHAPTER 21 - REVOCATION AND NONRENEWAL OF OCCUPATIONAL OR
RECREATIONAL LICENSES; PROCEEDINGS UNDER 19A MRSA §2201

**CHAPTER 21 - REVOCATION AND NONRENEWAL OF OCCUPATIONAL OR
RECREATIONAL LICENSES; PROCEEDINGS UNDER 19A MRSA §2201**

1. DEFINITIONS

For purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings:

- A. Board. "Board" means any bureau, board, or commission listed in 10 MRSA §§8001 or 8001-A, any other licensor that is affiliated with or is a part of the Department of Professional and Financial Regulation, the Board of Overseers of the Bar, and any other state agency or municipality that issues a license authorizing a person to engage in a business, occupation, profession, or industry and any state agency, bureau, board, commission or municipality that issues a license or permit to hunt, fish, operate a boat or engage in any other sporting or recreational activity.
- B. Compliance with a support order . "Compliance with a support order" means that the support obligor is no more than 60 days in arrears in making payments in full for current support, in making periodic payments on a support arrearage pursuant to a written agreement with the Division of Support Enforcement and Recovery, in making periodic payments as set forth in a support order issued by a court, if applicable, and has obtained or maintained health insurance coverage if required by a support order.
- C. Support order. "Support order" means any judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.
- D. License. "License" means a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry, and a license or permit to hunt, fish, operate a boat or engage in any other sporting or recreational activity, but does not mean a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.
- E. Licensee. "Licensee" means any individual holding a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry, and to hunt, fish, operate a boat or engage in any other sporting or recreational activity, except an individual holding a registration, permit, approval or similar document

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evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.

2. NOTICE

The Division may serve notice upon a support obligor who is not in compliance with a support order that informs the obligor of the Division's intention to submit the obligor to any appropriate board as a licensee who is not in compliance with a support order. The notice must inform the obligor that:

- A. The obligor may request an administrative hearing to contest the issue of compliance;
- B. A request for hearing must be made in writing and must be received by the Division within 20 days of service;
- C. If the obligor requests a hearing within 20 days of service the Division shall stay action to certify the obligor to any board for noncompliance with a support order pending a decision after hearing;
- D. If the obligor does not request a hearing within 20 days of service and is not in compliance with a support order the Division shall certify the obligor to any appropriate board for noncompliance with a support order;
- E. If the Division certifies the obligor to a board for noncompliance with a support order the board must revoke the obligor's license and refuse to issue or reissue a license until the obligor provides the board with a written statement issued by the Division that confirms the obligor is in compliance with the obligor's order of support. And that a revocation by an agency or board or a refusal by an agency or board to reissue, renew or otherwise extend the obligor's license or certificate of authority is deemed a final determination within the meaning of 5 MRSA §10002;
- F. If the obligor files a motion to modify support with the court or requests the Department to amend a support obligation established by an administrative decision, the Division shall stay action to certify the obligor to any board for noncompliance with a support order, providing that if the obligor requests the Department to amend an administrative decision, the obligor alleges and provides evidence of a substantial change of circumstances; and

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G. The obligor can come into compliance with a court order of support by:

1. Paying current support;
2. Paying all past-due support, or if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written agreement with the Division; and
3. Meeting the obligor's health insurance obligation.

The notice must include the address and telephone number of the Division's support enforcement office that issues the notice and a statement of the need for the obligor to obtain written confirmation of compliance from the Division as provided in section 9. The Division shall attach a copy of the obligor's order of support to the notice. The notice may be served by certified mail, return receipt requested, by an authorized representative of the Commissioner or by personal service as specified in the Maine Rules of Civil Procedure.

3. PAYMENT AGREEMENT

For purposes of this chapter, if an obligor demonstrates a present inability to pay all past-due child support, the Department, upon request or upon its own initiative, shall enter into a reasonable payment agreement with the obligor that takes into account the obligor's income, assets, reasonable expenses and ability to borrow. An obligor who is unable to pay all past-due support may come into compliance with the support order by executing a written payment agreement with the Division and by complying with that agreement. A condition of a written payment agreement must be that the obligor pay the current child support when due. Before a written agreement is executed, the obligor shall disclose fully the obligor's financial circumstances, including income from all sources, assets, liabilities and work history for the past year and provide documentation.

Failure to comply with a written payment agreement is grounds for license revocation unless the obligor notifies the Division that the obligor is unable to comply with the agreement and provides the Division with evidence of the obligor's current financial circumstances to support the claim.

4. HEARING

An obligor may request an administrative hearing upon service of the notice described in section 2 or upon receiving a notice under section 12. The request for hearing must be made in writing and must be received by the Division within 20 days of service. A request for hearing is deemed timely if the 20th day after service is a weekend, holiday or other non-business day for the Department and the request is received by the Division on the next business day. The Department shall conduct hearings under this

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subsection in accordance with the requirements of Title 5, chapter 375, subchapter 4 of the Maine Revised Statutes Annotated. The issues that may be determined at hearing are limited to whether the obligor is required to pay child support under the support order for which the Division issued a notice of noncompliance and, if so, whether the obligor is in compliance with that support order, although the obligor may raise additional issues, including the reasonableness of a payment agreement in light of the obligor's current circumstances, to be preserved for appeal.

5. DECISION AFTER HEARING

The Department shall render a decision after hearing without undue delay as to whether the obligor is in compliance with the obligor's support order. The only issues that may be decided are whether the obligor is required to pay child support under the support order for which the Division issued a notice of noncompliance and, if so, whether the obligor is in compliance with that support order. The decision must be based on the hearing record and the rules adopted by the Commissioner. The decision must inform the obligor that the obligor may file a petition for judicial review of the decision within 30 days of the date of the decision. The Department shall send an attested copy of the decision to the obligor by regular mail to the obligor's most recent address of record.

Service of mail is complete upon mailing and the obligor is presumed to have received the decision within three (3) days of mailing.

A. Finding of compliance. The Department shall find that the obligor is in compliance with a support order only if:

1. The obligor has made at least one full payment of the obligor's current parental support obligation in the past 60 days, if the obligor's order of support includes a current parental support obligation;
2. The obligor has made at least one full payment to reduce the obligor's support arrearage pursuant to a written agreement with the Division in the past 60 days, if the obligor owes past-due support;
3. The obligor has made at least one full payment toward the obligor's support arrearage pursuant to a court order of support in the past 60 days, if a court has ordered the obligor to make periodic payments toward a support arrearage; and
4. The obligor has provided health insurance coverage in the past 90 days if required to do so by the order of support.

B. Finding of noncompliance. The Department shall find that the obligor is not in compliance with a support order if:

1. The obligor has not made at least one full payment of the obligor's current parental support obligation in the past 60 days, if the obligor's order of support includes a current parental support obligation;

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2. The obligor has not made at least one full payment pursuant to a written agreement with the Division to reduce the obligor's support arrearage in the past 60 days, if the obligor owes past-due support;
3. The obligor has not made at least one full payment toward the obligor's support arrearage pursuant to a court order of support in the past 60 days, if a court has ordered the obligor to make periodic payments towards a support arrearage; or
4. The obligor has not provided health insurance coverage in the past 60 days if required to do so by the order of support.

6. JUDICIAL REVIEW

If the obligor files a timely petition for review of final agency action with the court, the court may hear and determine any issues raised at the hearing, including the reasonableness of a payment agreement in light of the obligor's current circumstances.

7. STAY

If an obligor who is served notice under section 2 or who is notified under section 12 timely requests a hearing to contest the issue of compliance, the Division shall not certify to a board that the obligor is not in compliance with a support order unless the Department issues a decision after hearing that finds the obligor is not in compliance with the support order.

8. CERTIFICATION OF NONCOMPLIANCE

The Division may certify in writing to any appropriate board that a support obligor is not in compliance with a support order if:

- A. The obligor does not timely request a hearing upon service of a notice issued under section 2 or upon receipt of a notice under section 12 and is not in compliance with the order of support 21 days after service of the notice;
- B. The Department issues a decision after hearing that finds the obligor is not in compliance with a support order and the obligor has not appealed the decision within the 30 day appeal period provided in section 5; or
- C. The court enters a judgment on a petition for judicial review that finds the obligor is not in compliance with a support order.

The Division shall send by regular mail a copy of any certification of noncompliance filed with a board to the obligor at the obligor's most recent address of record.

9. NOTICE FROM BOARD; FINAL DETERMINATION

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A board shall notify an obligor certified by the Division under section 7, without undue delay, either that the obligor's application for the issuance or renewal of a license may not be granted, or that the obligor's license has been revoked, as applicable, because the obligor has been certified by the Division as a support obligor who is not in compliance with a support order. A revocation or refusal to reissue, renew or otherwise extend the license by a board for noncompliance with a support order is deemed a final determination within the meaning of Title 5 MRSA §10002.

10. STATEMENT OF COMPLIANCE

When an obligor who is served notice under section 2, who is notified under section 12 or who is certified to a board subsequently complies with the support order, the Division shall issue the obligor a written statement that confirms the obligor is in compliance with that support order.

11. MOTION TO MODIFY OR REQUEST TO AMEND A SUPPORT ORDER

Nothing in this chapter prohibits a support obligor from filing a motion to modify support with the court or from requesting the Department to amend a support obligation established by an administrative decision. The Division shall stay action to certify the obligor to any board for noncompliance with a support order if the obligor files a motion to modify support with the court and notifies the Division of the motion or requests the Department to amend a support obligation established by an administrative decision, providing that if the obligor requests the Department to amend an administrative decision, the obligor alleges and provides evidence of a substantial change of circumstances.

12. REPORTING OF LICENSEES

On or before April 1, 1994, or as soon as economically feasible and at least annually thereafter, all boards subject to this section, and the Department of Professional and Financial Regulation, Division of Administrative Services shall provide to the Division the following information about all applicants for licensure and all current licensees:

- A. Name;
- B. Address of record;
- C. Federal employer identification number or social security number;
- D. Type of license;
- E. Effective date of license or renewal;
- F. Expiration date of license; and
- G. Active or inactive status.

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The information must be provided on magnetic tape or other machine-readable form unless the Division agrees to accept the information in an alternative form. The Department of Professional and Financial Regulation, Securities Division shall provide the information specified by this section for only those current licensees that are residents of this State.

13. NOTICE; EFFECT OF NONCOMPLIANCE

- A. Notice.** Upon receipt of the information provided pursuant to section 11, the Division may issue a written notice to each licensee who is a support obligor who is not in compliance with a support order. The notice must inform the obligor that:
1. The obligor may request an administrative hearing to contest the issue of compliance;
 2. A request for hearing must be made in writing and must be received by the Division within 20 days of the date the notice is sent;
 3. If the obligor requests a hearing within 20 days of receipt of the notice the Division shall stay action to certify the obligor to the appropriate board for noncompliance with a support order pending a decision after hearing;
 4. If the obligor does not request a hearing within 20 days of receipt of the notice and is not in compliance with a support order the Division may certify the obligor to the appropriate board for noncompliance with a support order;
 5. If the Division certifies the obligor to a board for noncompliance with a support order the board must refuse to renew, issue or reissue a license until the obligor provides the board with a written statement issued by the Division that confirms the obligor is in compliance with the obligor's support order. And that a refusal by an agency or board to reissue, renew or otherwise extend the obligor's license or certificate of authority is deemed a final determination within the meaning of 5 MRSA §10002;
 6. If the obligor files a motion to modify support with the court or requests the Department to amend a support obligation established by an administrative decision, the Division shall stay action to certify the obligor to any board for noncompliance with a support order, providing that if the obligor requests the Department to amend a support obligation established by an administrative decision, the obligor alleges and provides evidence of a substantial change of circumstances; and
 7. The obligor can come into compliance with a court order of support by:
 - i. Paying current support;

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- ii. Paying all past-due support, or if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written agreement; and
- iii. Meeting the obligor's health insurance obligation.

The notice must include the address and telephone number of the Division's support enforcement office that issues the notice and a statement of the need for the obligor to obtain written confirmation of compliance from the Division as provided in section 9. For purposes of identifying the order of support, the notice must state when the order was issued. The notice also must state the name of the licensing board that reported the obligor as a licensee and the type of license. The Division shall send the notice to the obligor at the obligor's most recent address as evidenced by the Division's records. A notice sent to the obligor's address of record is deemed adequate notice of the Division's action. The Division need not prove at hearing that the obligor actually received the notice.

B. Certification. The Division may certify to the appropriate boards all licensees who are not in compliance with a support order in accordance with the requirements of section 7. For each obligor certified by the Division, the Division shall provide the appropriate board with the obligor's name, address, social security number and any other information mutually agreed upon between the Division and the board. The Division shall provide the boards with the name, address and telephone number of the Division's designee for implementing this section.

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14. SUBSEQUENT REISSUANCE, RENEWAL OR OTHER EXTENSION OF LICENSE

A board may reissue, renew or otherwise extend an obligor's license in accordance with that board's rules after the board is presented with a written statement issued by the Division that confirms the obligor is in compliance with the obligor's order of support. A board may waive any applicable requirement for reissuance, renewal or other extension if it determines that the imposition of that requirement places an undue burden on the licensee and that the waiver of the requirement is consistent with the public interest.

CHAPTER 22 - REVOCATION OF MOTOR VEHICLE OPERATORS LICENSES;
PROCEEDINGS UNDER 19A MRSA §2202

**CHAPTER 22 - REVOCATION OF MOTOR VEHICLE OPERATORS LICENSES;
PROCEEDINGS UNDER 19A MRSA §2202**

1. DEFINITIONS

For purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings:

- A. Compliance with a support order . "Compliance with a support order " means that the support obligor is no more than 60 days in arrears in making payments in full for current support, in making periodic payments on a support arrearage pursuant to a written agreement with the Division of Support Enforcement and Recovery, in making periodic payments as set forth in a support order issued by a court, if applicable, and has obtained or maintained health insurance coverage if required by a support order .
- B. Support order. "Support order" means any judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

2. NOTICE

The Division may serve notice upon a support obligor who is not in compliance with a support order that informs the obligor of the Division's intention to certify the obligor to the Secretary of State as an individual who is not in compliance with a support order . The notice must inform the obligor that:

- A. The obligor may contest the issue of compliance at an administrative hearing;
- B. A request for hearing must be made in writing and must be received by the Division within 20 days of service;
- C. If the obligor requests a hearing within 20 days of service the Division shall stay action to certify the obligor to the Secretary of State for noncompliance with a support order pending a decision after hearing;
- D. If the obligor does not timely request a hearing to contest the issue of compliance, the Division shall certify the obligor to the Secretary of State for noncompliance with a support order ;

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- E. If the Division certifies the obligor to the Secretary of State, the Secretary of State must suspend any motor vehicle operator's licenses that the obligor holds and the obligor's right to apply for or obtain a motor vehicle operator's license;
 - F. If the obligor requests a hearing, the obligor shall direct the request to the Division's support enforcement office that is responsible for handling the obligor's case;
 - G. If the obligor files a motion to modify support with the court or requests the Department to amend a support obligation established by an administrative decision, the Division shall stay action to certify the obligor to the Secretary of State for noncompliance with a support order, providing that if the obligor requests the Department to amend an administrative decision, the obligor alleges and provides evidence of a substantial change of circumstances; and
 - H. The obligor can come into compliance with a court order of support by:
 - 1. Paying current support;
 - 2. Paying all past-due support, or if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written agreement; and
 - 3. Meeting the obligor's health insurance obligation.
- The notice must include the address and telephone number of the Division's support enforcement office that issues the notice and a statement of the need for the obligor to obtain written confirmation of compliance from the Division as provided in section 8. The Division shall attach a copy of the obligor's order of support to the notice. The notice must be served by certified mail, return receipt requested, by service in hand, or as specified in the Maine Rules of Civil Procedure. For purposes of this section an authorized representative of the Commissioner may serve the notice.

3. PAYMENT AGREEMENT

For purposes of this chapter, if an obligor demonstrates a present inability to pay all past-due child support, the Department, upon request or upon its own initiative, shall enter into a reasonable payment agreement with the obligor that takes into account the obligor's income, assets, reasonable expenses and ability to borrow.

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4. HEARING

An obligor may request an administrative hearing within 20 days of service of the notice described in section 2. The request for hearing must be in writing and must be received by the Division within 20 days. A request for hearing is deemed timely if the 20th day after service is a weekend, holiday or other non-business day for the Department and the request is received by the Division on the next business day. The Department shall conduct the hearing in accordance with the requirements of Title 5, chapter 375, subchapter 4 of the Maine Revised Statutes Annotated. The issues that may be determined at hearing are limited to whether the obligor is required to pay child support under the support order for which the Division issued a notice of noncompliance and, if so, whether the obligor is in compliance with that support order, although the obligor may raise additional issues, including the reasonableness of a payment agreement in light of the obligor's current circumstances, to be preserved for appeal.

5. DECISION AFTER HEARING

The Department shall render a decision after hearing without undue delay as to whether the obligor is in compliance with the obligor's support order. The only issues that may be decided are whether the obligor is required to pay child support under the support order for which the Division issued a notice of noncompliance and whether the obligor is in compliance with that support order. The decision must be based on the hearing record and rules adopted by the Commissioner. The decision must inform the obligor that the obligor may file a petition for judicial review of the decision within 30 days of the date of the decision. The Department shall send an attested copy of the decision to the obligor by regular mail to the obligor's most recent address of record. Service by mail is complete upon mailing and the obligor is presumed to have received the decision within three (3) days of mailing.

A. Finding of compliance. The Department shall find that the obligor is in compliance with a support order if:

1. The obligor has made at least one full payment of the obligor's current parental support obligation in the past 60 days, if the obligor's support order includes a current parental support obligation;
2. The obligor has made at least one full payment to reduce the obligor's support arrearage pursuant to a written agreement with the Division in the past 60 days, if the obligor owes past-due support;
3. The obligor has made at least one full payment toward the obligor's support arrearage pursuant to a court order of support in the past 60 days, if a court has ordered the obligor to make periodic payments toward a support arrearage; and

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4. The obligor has provided health insurance coverage if required to do so by the support order.
- B. Finding of noncompliance. The Department shall find that the obligor is not in compliance with a support order if:
 1. The obligor has not made at least one full payment of the obligor's current parental support obligation in the past 60 days, if the obligor's support order includes a current parental support obligation;
 2. The obligor has not made at least one full payment pursuant to a written agreement with the Division to reduce the obligor's support arrearage in the past 60 days, if the obligor owes past-due support;
 3. The obligor has not made at least one full payment toward the obligor's support arrearage pursuant to a court order of support in the past 60 days, if a court has ordered the obligor to make periodic payments towards a support arrearage; or
 4. The obligor has not provided health insurance coverage if required to do so by the support order.

6. JUDICIAL REVIEW

If the obligor files a timely petition for review of final agency action with the court, the court may hear and determine any issues raised at the hearing, including the reasonableness of a payment agreement in light of the obligor's current circumstances.

7. STAY

If an obligor who is served notice under section 2 timely requests a hearing to contest the issue of compliance, the Division shall not certify to the Secretary of State that the obligor is not in compliance with a support order unless the Department issues a decision after hearing that finds the obligor is not in compliance with the support order.

8. CERTIFICATION OF NONCOMPLIANCE

The Division may certify in writing to the Secretary of State that a support obligor is not in compliance with a support order if:

- A. The obligor does not timely request a hearing upon service of a notice issued under section 2 and is not in compliance with the support order 21 days after service of the notice;
- B. The Department issues a decision after hearing that finds the obligor is not in compliance with a support order and the obligor has not appealed the decision within the 30 day appeal period provided in section 5; or

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- C. The court enters a judgment on a petition for judicial review that finds the obligor is not in compliance with a support order .

The Division shall send by regular mail a copy of any certification of noncompliance filed with the Secretary of State to the obligor at the obligor's most recent address of record.

9. STATEMENT OF COMPLIANCE; CLAIMS OF SPECIAL NEEDS

When an obligor who is served notice under section 2 or who is certified under section 7 subsequently complies with the support order, the Division shall issue the obligor a written statement that confirms the obligor is in compliance with that support order. An obligor whose motor vehicle operator's license is under suspension for noncompliance with a support order may request the Division to issue a written statement that permits the Secretary of State to issue a temporary license valid for a period not to exceed 120 days. The Division may grant such requests only upon a showing of substantial need to obtain a temporary license and only if the obligor demonstrates his or her intention to comply with or seek amendment of the support order.

10. MOTION TO MODIFY COURT ORDER; REQUEST TO AMEND ADMINISTRATIVE DECISION

Nothing in this chapter prohibits a support obligor from filing a motion to modify support with the court or from requesting the Department to amend a support obligation established by an administrative decision. The Division shall stay action to certify the obligor to the Secretary of State for noncompliance with a support order if the obligor files a motion to modify support with the court and notifies the Division of the motion or requests the Department to amend a support obligation established by an administrative decision, providing that if the obligor requests the Department to amend an administrative decision, the obligor alleges and provides evidence of a substantial change of circumstances.

CHAPTER 23 - EMPLOYER REPORTING

CHAPTER 23 - EMPLOYER REPORTING

1. Duty to report

By authority of 19A MRSA §2154, upon notice by the Division, and except as provided in subsection 2, an employer doing business in this State shall report to the Division the following information:

- A. The hiring of a person who resides or works in this State to whom the employer anticipates paying earnings; and
- B. The rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment.

2. Form of report

Employers required to report under this chapter may report by mailing to the Division a copy of the employee's W-4 form, transmitting a facsimile thereof to the Division or by sending a magnetic tape in a compatible format, or by other means mutually agreed to by the employer and the Division that will result in timely reporting.

3. Report

Employers required to report under this chapter shall submit reports to the Division as described in section 2 within 7 days of the hiring, rehiring, or return to work of the employee. The report must contain the following information:

- A. The employee's name, address, social security number and date of birth; and
- B. The employer's name, address and employment security reference number or unified business identifier number.

4. Enforcement; Penalties

The Division shall issue a written warning to an employer who knowingly fails to report as required by this chapter. For violations that occur after a written warning is issued, the Division, through the Department of Attorney General, may begin a court action against the employer to enforce the employer's duty to report. The court may impose a civil penalty of up to \$200 per month for each violation and award the Department damages, costs, interest and attorneys fees.

CHAPTER 23 - EMPLOYER REPORTING

5. Use of New Hire Information

The Division shall use the information it receives pursuant to §2154 to locate persons and identify sources of income for the purposes of;

- A. Establishing, enforcing and modifying child support obligations;
- B. Collecting overpayments of public assistance and overissue of food stamps when benefits are no longer being paid; and
- C. Determining eligibility and enforcing eligibility rules for cash assistance, food stamps, Medicaid and other benefit programs funded or administered by the Department.

6. Access to Information

The Department of Labor, the Workers' Compensation Board and the State Tax Assessor may have access to the information reported to the Division for purposes of program administration.

CHAPTER 24 - HEALTH INSURANCE WITHHOLDING ORDER

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1. HEALTH INSURANCE WITHHOLDING ORDER

The Division on its own behalf, on behalf of a custodial parent who applies for the Division's support enforcement services, or on behalf of another state's title IV-D agency, political subdivision or agent, may issue a responsible parent's employer or other payor of income a health insurance withholding order to enforce a responsible parent's obligation to obtain or maintain health insurance coverage or other health care services for the responsible parent's dependent children. A health insurance withholding order must be accompanied by a sworn statement issued by an authorized representative of the commissioner that states the responsible parent is required by a court order or administrative decision to obtain or maintain health insurance coverage or other health care services for the dependent children named in the health insurance withholding order and has failed to provide the Division proof of coverage as required by law.

2. EMPLOYER NOTICE

A health insurance withholding order must be accompanied by an employer notice that contains the substance of subsections 3 through 16 inclusive.

3. DUTY TO ENROLL

An employer or other payor of income served with a health insurance withholding order shall enroll the employee's dependent children named in the withholding order as covered persons in a group health insurance plan or other similar plan providing health care services or coverage offered by the employer, if the children are eligible for such coverage under the employer's enrollment provisions, and deduct any required premiums from the employee's earnings to pay for the insurance.

4. CHOICE OF PLAN

If more than one plan is offered by the employer, the employer shall enroll qualified children prospectively in the insurance plan in which the employee is enrolled, or, if the employee is not enrolled, in the least costly plan otherwise available, providing that the plan's services are available where the children reside. If the services of the employee's plan or the least costly plan are not available where the children reside, the employer shall enroll qualified children prospectively in the least costly plan that is available where the children reside.

CHAPTER 24 - HEALTH INSURANCE WITHHOLDING ORDER

5. ANSWER

An employer shall respond to a health insurance withholding order in writing within 30 days of service. The employer shall advise the Division of the plan in which the children are enrolled or if the children are ineligible for any plan through the employer. The Division shall include a preprinted answer form for the employer's use and shall include the form and a prepaid, self-addressed envelope with each health insurance withholding order.

6. MISTAKE OF FACT; AFFIRMATIVE DEFENSES

A responsible parent may claim a mistake of fact or assert affirmative defenses after the issuance of a health insurance withholding order.

- A. Claims. To claim a mistake of fact or assert affirmative defenses the responsible parent must tell the Division in writing why the responsible parent believes he or she is not subject to the health insurance withholding order. Affirmative defenses must be asserted within 30 days of the date of mailing of the order to the responsible parent. The Department shall not review affirmative defenses that are asserted more than 30 days from the date of mailing of the order. A claim of mistake of fact supported by documentation that tends to prove the responsible parent's claim may be made at any time. If a responsible parent claims a mistake of fact, the responsible parent must provide the Division with documentation that tends to prove the claim if such documentation is reasonably available. All claims must be sent to the Division's representative who issued the order. All claims received by the Division's representatives must be forwarded without undue delay to that person's immediate supervisor for review.
- B. Review. A District Supervisor or other qualified individual employed by the Division shall review each claim received without undue delay. A review must consist of an objective evaluation of all available evidence that indicates whether the claimant is a responsible parent subject to the order or whether the order was issued in error. The District Supervisor or other qualified individual shall take reasonable steps to investigate the factual bases of any affirmative defenses raised by the claimant. Upon completing a review and/or investigation the District Supervisor or other qualified individual shall compile a record of the claim that consists of the claim itself and all evidence considered as part of the review. Based upon the record compiled, the District Supervisor or other qualified individual must prepare a written report that contains recommended findings and a recommended decision. The report must be issued to the responsible parent and the Division's Regional Manager or other qualified individual designated by the Division's Director. The report issued to the responsible parent must include a notice that the responsible parent may comment or provide additional evidence to the Division's Regional Manager or other individual designated by the Division's Director within 30 days. After the comment period ends, the Regional Manager or other designated individual must issue a final decision without undue delay.

CHAPTER 24 - HEALTH INSURANCE WITHHOLDING ORDER

C. Appeal. The issuance of a final decision under this section is final agency action for purposes of 5 MRSA §11001. The decision must inform the responsible parent of the right to judicial review.

7. DURATION OF ORDER

A health insurance withholding order remains in force until the employee terminates employment, the employer or other payor of earnings is released from the order in writing by the Division, or release is ordered by a court of competent jurisdiction.

8. CHANGE OF PLAN

After it is initially determined in response to a health insurance withholding order that a child is eligible for coverage, the employer must make subsequent enrollment changes to include the child if the group health insurance plan is changed, and provide notices of any changes in coverage to the Division.

9. FEE

An employer may charge an employee \$1.00 for each withholding required by a health insurance withholding order. An employer may charge an employee \$2.00 for each change of plan required by a health insurance withholding order.

10. FAILURE TO HONOR

Failure of an employer or other payor of earnings to comply with the requirements of a health insurance withholding order is a civil violation for which the Department may recover up to \$1,000.00 in a civil action.

11. PRIORITY OF ORDER

A health insurance withholding order has priority over any previously filed attachment, execution, garnishment, or assignment of earnings that is not for the purpose of enforcing or paying a child support obligation.

12. EMPLOYER PROTECTED

The Department shall defend and hold harmless any employer or other payor of earnings who honors a health insurance withholding order.

CHAPTER 24 - HEALTH INSURANCE WITHHOLDING ORDER

13. IMMUNITY

The employer shall not be held liable for medical expenses incurred on behalf of dependent children because of the employer's failure to enroll the dependent children in a health insurance or health care plan after being directed to do so by the Division.

14. EMPLOYEE PROTECTED

An employer who discharges, refuses to employ, or takes disciplinary action against a responsible parent, or who otherwise discriminates against them because of the existence of the order or the obligation it imposes upon the employer, is subject to a civil penalty of not more than \$5,000 payable to the State, to be recovered in a civil action. The employer is also subject to an action by the responsible parent for compensatory and punitive damages, plus attorney's fees and court costs.

15. SERVICE

A health insurance withholding order must be served on the responsible parent's employer or other payor of earnings. Service may be by certified mail, return receipt requested, by an authorized representative of the Commissioner, by personal service as permitted by Rule 4 of the Maine Rules of Civil Procedure, or as otherwise may be permitted by 19A MRSA §§2253 and 2254. The Division shall send a copy of the health insurance withholding order to the responsible parent at the responsible parent's most recent address of record.

16. WITHHOLDING ORDERS COMBINED

The Division may combine a health insurance withholding order with a child support income withholding order issued under 19A MRSA §2306.

LAST AMENDED BEFORE CONVERSION:

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